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INTERSTATE SHIPMENT OF IMMATURE CALVES

HEARINGS

BEFORE THE

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE
OF THE HOUSE OF REPRESENTATIVES

ON THE BILL

H. R. 17222

TO REGULATE THE INTERSTATE SHIPMENT OF
IMMATURE CALVES

APRIL 3 AND 16, 1912



WASHINGTON
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1912

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE.

HOUSE OF REPRESENTATIVES, SIXTY-SECOND CONGRESS.

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INTERSTATE SHIPMENT OF IMMATURE CALVES.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
Washington, D. C., April 3, 1912.

The committee met at 10.35 o'clock a. m., Hon. William C. Adamson (chairman) presiding.

The CHAIRMAN. Mr. Hamilton, whom shall we have first?

Mr. HAMILTON. Judge Cowan, Mr. Chairman.

The CHAIRMAN. All right, Judge Cowan, you may start.

STATEMENT OF MR. S. H. COWAN, OF FORT WORTH, TEX.

Mr. COWAN. Mr. Chairman and gentlemen of the committee: I wish first to read a letter from the president of the Cattle Raisers' Association of Texas, for which I am attorney and in whose behalf I appear, as follows:

Yours of March 22 to hand and contents noted. In reply will say that I have just wired Congressman Smith thought it advisable to throttle bill prohibiting calves under 6 weeks of age being shipped for the reason in a drought-stricken section it sometimes becomes necessary to take all small calves from their mothers and the calves are often in a very fair condition at the time, and if they have any value on the market, which is usually \$5 or \$6, it seems like it would be nothing but fair to allow the owner to get that much out of the calves. This bill, however, is not of great importance to the cattlemen, for it is only occasionally that it becomes necessary, and that is when the cattlemen need the money worst as it looks like it would be a pity to kill the calves when he could get a few dollars for them. If not permitted to ship them alive he would do what dairymen do now; he would slaughter the calf and have to pay the express on it to the nearest town where the butcher would buy it; this would entail a great expense, and throw everything into the hands of the express company, and he would realize but a very small amount for the calf.

I don't think this is a bill of State importance, but if this kind of legislation goes on, the States may begin to adopt it.

I would like for Congressman Smith to put into the record the telegram he has received.

Mr. SMITH. I left it at my office and will insert it later.

Mr. COWAN. The position I take arises from consultation with men in the cattle business. The Cattle Raisers' Association of Texas and the American Live Stock Association have in every practical way aided in the securing of legislation to get the best meats and prevent bad meats getting on the markets—to secure the best inspection and secure the best handling of live stock. Some of the members of this committee and Dr. Melvin, who is here to-day, know we have been in entire accord with the Department of Agriculture on that.

Conditions exist in the various western range States at which the nearest place at which you can slaughter your calves is to cross the State line, and it would be more humanitarian to ship them there for slaughter than it would be to ship them for slaughter to some distant intrastate point. I could point out innumerable cases where the

slaughtering points are near the State lines and these slaughtering places are nearer to shipping points in an adjoining State than slaughtering places within its own boundaries.

I think from what I know of the matter, and I believe I am pretty well acquainted with the cattle business throughout the trans-Missouri range, that it would be unwise to prohibit the transportation of young calves to these nearby slaughtering places when the necessity arises.

Mr. HAMILTON. What is the age at which cattle of your clients is shipped?

Mr. COWAN. That depends upon the age of the cattle and the condition of the man's business. You will sometimes find that calves are shipped at two months old, and sometimes there are fat calves on the range at that age. It depends upon when the calves were born. Sometimes they—

Mr. HAMILTON. You say two months?

Mr. COWAN. The ordinary way of taking calves from the cows in all the southwestern States (and that is the only territory from which they are shipped to the market) is to begin with the calves that come usually beginning in the middle of March and April; these calves would be taken away about the first of July and range on down to the first of December.

Mr. HAMILTON. In other words, until the calf is large enough to be worth something?

Mr. COWAN. It will bring something on the market.

Mr. HAMILTON. The calf then is good meat?

Mr. COWAN. Undoubtedly; and it is to the interest of every cattleman to do it. There are circumstances when it would work a great hardship, and I think that could be avoided. I have this suggestion to make. In the first place, I say we are not opposed to proper, humane laws, but we do not think laws should be passed that will interfere with other people's business if it can be provided in some other way. In the second place, if the calves are unfit for food by reason of their age their transportation to the market should be prohibited. I think that should apply to the cow also. I think that calves under a certain age should not be slaughtered and used.

Mr. DRISCOLL. What age is the cattle?

Mr. COWAN. That ought to be carefully investigated. I think it demands a careful investigation.

Mr. ESEN. Could that be done under the existing inspection law, or would it require an amendment of that law?

Mr. COWAN. I think it would probably require an amendment of the law, but any one of you good lawyers could do that—find out whether or not an amendment was necessary.

My first point is that the sale of a calf unfit for food should be prohibited, and it need not interfere with interstate commerce, but could be regulated in the State. Also, if by reason of the method of shipping or handling before placing on the market any calf or animal over that age the meat is unfit for food, I think—I know—Dr. Melvin's department has now power to prohibit that.

This proposed bill means that we are not able to ship for food by reason of the age of the calves. I understand that many of the complaints made are on calves shipped from New York to Boston—a 48-hour run—and kept in the butcher's plant until they are unfit for food. Our meat is good, and has to come in competition with the bad

meat. Now, the penalty against the railroad is not sufficient; it ought to be made sufficient that if they do not handle them within the time that they ought to that the penalty should be enforced against the railroad. We have now the 28-hour law that prohibits the shipping of cattle remaining on cars longer than 28 hours without water. The subject of the shipment of calves was brought up by some of the representatives of the humane society, and it was then contended that it was inhumane to take these calves from their mothers, and that it was perfectly horrible how they were piled into the cars. A calf is just as hard to get away from his mother, if he is still sucking his mother, after he is 6 weeks old as he is before that time, and —

Mr. HAMILTON. I think that the customs are radically different in the southwestern and the northeastern sections of the country. The average farmer in the eastern and northern parts of the country weans a calf within a certain length of time. When I was a boy on the farm, one of my duties was to teach them to drink.

Mr. DRISCOLL. First, with sweet milk?

Mr. HAMILTON. Yes. They do not allow the calves to run with their mothers as in the country of your clients, Mr. Cowan. After the calf is taught to drink he does not bleat for the mother; they get along separately fairly well.

Mr. COWAN. I understand that to be the custom.

I think the passage of this bill will work a great injustice unless it is so fixed that it shall be administered under certain regulations. I think, in the first place, if the meat is unfit for food at a certain age, you should not permit it to be shipped in interstate commerce; in the second place, provide, if it is necessary to provide, if, by reason of the handling, the meat is not good, no matter what ages, that it shall not be shipped in interstate commerce. That is the law now.

Mr. SMITH. We understand it that the cattle raisers of the West and Southwest are not in the habit of shipping calves under 6 weeks of age; is that true?

Mr. COWAN. It is a rare thing.

Mr. SMITH. It is only in a case of extraordinary conditions that it is done, is it not? I do not believe you have made it quite clear to the committee under what conditions calves of that age should be shipped.

Mr. COWAN. It might be that he is going to ship the cows to market and must kill the calves. Often it is on account of other conditions that he must kill the calves to save the mothers. They often have to do the same thing with calves 6 weeks old. A drouth condition will prevail that does not furnish sustenance to the cow; the cow not getting sustenance off the range can not furnish it to the calf, and you have got to get the calf from the cow to save the cow. I daresay any stock raiser in the Southwest will bear out the suggestions made by me and Mr. McFadden that the only time we would want to ship calves under 6 weeks old would be under conditions that would require it. We would be glad to submit to any rules and regulations. We do not care what power you give to the Department of Agriculture, provided there is no prohibition upon our killing the calves.

In other words, you can put this whole thing under a set of regulations that can be carried out and adjusted to suit the various localities in the United States. Now, as the Department of Agriculture is administering very successfully many laws made with a view to getting good meat products before the country, why not put the whole

thing in the hands of the department, and then you will have reached the best conclusion you could reach without injuring legitimate business.

These are the only suggestions, except that I think a committee should be appointed here to give the bill careful consideration and get the views of different people in the different parts of the country. I am sure that stockmen in all farming communities who are acquainted with the conditions will bear out the statements I have made that this bill, if passed as a law, will do considerable harm and the only good that can be done will be —

Mr. HAMILTON. But this bill—it was framed by Dr. Melvin and the Solicitor for the Department of Agriculture—meets the whole situation, as I understand you, Mr. Cowan, except where the owners of cattle want to take calves away from the mothers in the Southwest under the age of 6 weeks in emergency cases.

Mr. COWAN. Yes; but some other conditions. A great many conditions, I imagine, do not exist——

Mr. HAMILTON. This is a very well-drawn bill——

Mr. COWAN. It is an excellently drawn bill with regard to the shipping of the calves. My point is that it will work great harm to the legitimate shippers. It would be all right by leaving it in such form that it will be subject to some degree of latitude to be determined by the Department of Agriculture in cases of extreme conditions that we do not now foresee.

I believe that is all I have to say.

Mr. HAMILTON. Mr. Chairman, I want to present Dr. Francis H. Rowley, president of the Massachusetts Society for the Prevention of Cruelty to Animals and the American Humane Education Society.

STATEMENT OF DR. FRANCIS H. ROWLEY, OF BOSTON, MASS.

The CHAIRMAN. What is your full name?

Dr. ROWLEY. Francis H. Rowley, of Boston, Mass.

The CHAIRMAN. And your occupation?

Dr. ROWLEY. I am president of the Massachusetts Society for the Prevention of Cruelty to Animals and also the American Humane Education Society.

The CHAIRMAN. What is the name of the benevolent class of people to which you belong?

Dr. ROWLEY. I take it, Mr. Adamson, that grows out of a little conversation we had. I think I might coin a word, or use a word that is perhaps already coined, and call ourselves "philozoists."

The CHAIRMAN. The stenographer will put the doctor down as a philozoist.

Dr. ROWLEY. Mr. Chairman and gentlemen, I am here on behalf of all the humane societies in the United States that are a unit in their indorsement of this bill and their hope that the bill may become a law. I am also here in behalf of the one society in the United States that has put up the hardest fight for the past two years that has been put up by any organization in this country to prevent the horrible abuses connected with the shipment of immature calves. I am also here in behalf of literally millions of little baby calves—hundreds of thousands of them born within this week and millions yet that are to be born—and I am also here in behalf of great multitudes of the poor

people in our own and other States who are the victims of this traffic. You and I do not eat this "bob" veal, because our butchers furnish us with calves of sufficient age to make wholesome food. This meat is boned off and made up into sausages and sold to the poor—shipped often under local inspection, which, in our State, is often of the most inefficient kind. We have found, and I am ashamed to say it, in the State of Massachusetts little butchers whose inspectors have been their hired men. In one case, in Chelmsford, the man had his 16-year-old son put the stamp on the carcasses of these baby calves, and they were shipped by the carload to Lowell to the poor people.

MR. DRISCOLL. Under what law was he inspecting?

DR. ROWLEY. He was inspecting under the town law, which allows the selectmen or the board of health to appoint whom they please to inspect.

MR. DRISCOLL. When you say "the town law", you mean the law of the State of Massachusetts?

DR. ROWLEY. The law of Massachusetts that allows its towns to appoint inspectors for its slaughterhouses. I might also say—I do not suppose any of you have had time to read them, but I sent you some editorials from our leading Boston papers—I want you to know that the press of Massachusetts is with us.

MR. HAMILTON. I do not know that there would be any objection to Dr. Rowley incorporating these newspaper articles in the record.

THE CHAIRMAN. He may incorporate in the record whatever he wants.

DR. ROWLEY. I would like to present them to the stenographer for the record.

The newspaper articles are as follows:

BOB-VEAL LEGISLATION.

Public sentiment in Massachusetts strongly supports national legislation in the interest of health, and there is no doubt that the bill, introduced into Congress by Representative Hamilton of Michigan, prohibiting the interstate transportation of immature calves is warmly approved by all who are familiar with the abuses arising under present conditions. It is a known fact that calves only a few days old and which have starved to death in transportation are brought into our markets from outside our State. This bill aims to correct this practice by prohibiting the transportation of calves under 6 weeks old unless accompanied by the mother. The mother is needed to furnish nourishment.

The bill is supported by the Department of Agriculture and is opposed only by those who have selfish ends. At the hearing on Wednesday of this week in Washington, before the Committee on Interstate and Foreign Commerce, Dr. Francis H. Rowley, president of the Massachusetts Society for the Prevention of Cruelty to Animals, will appear in favor of the bill and will present humanitarian as well as practical reasons for the legislation. Dr. Rowley enjoys the confidence of the Commonwealth, has done and is doing a great work as head of his society, and is qualified to represent public feeling on the subject. The bill deserves a favorable report and should be supported by the entire Massachusetts delegation.

"BOB VEAL" IN CONGRESS.

All who have been familiar with the hard fight in which the Massachusetts Society for the Prevention of Cruelty to Animals has been engaged during the past two years to break up the disreputable traffic in "bob veal" will be glad to learn that at last a bill has been introduced in Congress to prohibit the transportation of immature calves from one State into another. This business, as it has been carried on, has been most difficult to suppress, because, coming under the head of interstate commerce, it has

been almost impossible to secure evidence warranting a prosecution either in the State from which or in the State into which the shipment was made. Not only have the cruelties necessarily involved in the transportation of these little calves, generally taken from their mothers before being able to subsist on anything but milk, and too weak to endure rough handling and a long journey, aroused the utmost endeavors of the Massachusetts society, but the peril to the public health from eating the flesh of these immature, starved, and often dying calves, has justified as well the determined opposition to the traffic in them.

The bill, known as H. R. 17222, is to be heard before the Committee on Interstate and Foreign Commerce this week Wednesday. The United States Department of Agriculture, we understand, strongly favors it. It will be opposed by the National Livestock and the National Breeders' Associations. We wish all success to Dr. Rowley, who leaves to-night for Washington to speak at the hearing. The press of Boston has heartily indorsed all the efforts he and his society have made to put a stop to this nefarious business.

The power of Congress to regulate commerce between States can be usefully employed in stopping the traffic in "bob veal." Not only does this business involve cruelty to animals, but danger to the public health as well. Dr. Rowley, of the Massachusetts Society for the Prevention of Cruelty to Animals, who is shortly to appear before a committee of Congress in support of a bill intended to bring about the reform mentioned, ought to carry with him the good will of the humanitarian and the sanitarian.

THE "BOB" VEAL TRAFFIC

The business of regulating the abominable traffic in immature calves is to become the special duty of the United States Government, if the bill of Representative Hamilton, of Michigan, shall be made law, as it surely ought. This bill provides:

"That no person, firm, or corporation shall ship or deliver for shipment, nor shall any common carrier, nor the receiver, trustee, or lessee thereof receive for transportation or transport from one State or Territory or the District of Columbia, into or through another State or Territory, or the District of Columbia, any calf unless the same is 6 weeks old or over: *Provided* That live calves not 6 weeks old may be shipped and transported from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, if accompanied at all times by their mothers."

A hearing on this measure will be given before the Committee on Interstate and Foreign Commerce on Wednesday, at which Dr. Rowley, the president of the Massachusetts Society for the Prevention of Cruelty to Animals, will appear for the bill and tell of the disgraceful and inhuman transportation of little calves he and his agents have discovered at the Boston end of some of our railroads.

No man is better able to discuss this subject than Dr. Rowley, and none is more truly representative of public sentiment hereabout in the matter of the protection of dumb beasts. He also knows the dangers to consumers in the "bob" veal traffic, and can put the touch of practical advantage into his plea for the bill.

I think I can probably do no better than give you our own experience. It will be a concrete case to illustrate what takes place to a greater or less extent all over the country.

Two years ago, when I became president of the Massachusetts Society for the Prevention of Cruelty to Animals, and realized that there are over 100,000,000 four-footed animals sold in this country every year for food, I realized that a large part of my duty would be to care for such of these creatures as come into the State of Massachusetts and see that they might be slaughtered under as humane conditions as possible. That led me at once to visit our large stock-yards at Boston and send our agents throughout the State to visit the slaughterhouses of the State. We found that at Brighton, Watertown, and Cambridge there were carloads of little calves from Maine, New Hampshire, and Vermont, but, above all, that they were coming into Massachusetts from New York State in hun-

dreds of thousands, and no small portion of them 1, 2, 3, 4, and 5 days old, up to 2 and 3 weeks old. I, of course, began to look for the reason for this, and I found that New York State had passed a law, I think in 1907, which said that it would be unlawful to transport any young calves in the State of New York, except for dairy purposes, under 4 weeks of age—that is, to be raised on a dairy farm—or if so transported, they should be either in crates or accompanied by their mothers. So I found these cars coming in, 2, 3, 8, 10, and 12 a week, loaded with immature calves from the State of New York, shipped to "John Doe" or "Richard Roe," dairyman—no more dairyman than you or I. They were butchers trading in these little calves for what there was in it for them. Throughout New York State milk is the great desideratum. The dairyman has to keep his calves with their mothers, and if he separates them he has got to teach them to drink, and he wants to get rid of them.

There are men—and I want you to understand, gentlemen, everything I say to you here to-day I can substantiate by facts and figures secured by our agents and for which we are willing to take our oath—there are men in New York State, as in Maine, New Hampshire, and Vermont, knowing the dates when the cows are to calf, and they are there the day the calves are dropped. In many cases, the calves are taken that day. Their legs are tied together, and in many cases they are thrown under the boot of a wagon. They get a carload and then ship them. The farmer gets from a dollar to a dollar and a half for this little calf. Now, you know that the Holstein and other breeds will weigh the day of birth 50, 60, or 70 pounds dressed, and quite frequently 80 pounds the day when born. That is a pretty good calf, especially when you blow it up with compressed air. If they can get this calf through to market, then they get, say, a dollar or a dollar and a half for the hide. If they can get some inspector to pass it, 60 cents for the liver, 50 cents for the sweetbreads, and from three to six dollars for the carcass. First, a little return to the farmer of 80 cents or a dollar for the calf, and then one, five, or six dollars to the butcher. That, I found, was the reason why these calves were coming in in such enormous quantities from New York. They could not be slaughtered in the State of New York under their law. They were coming in under our wretched system of inspection.

All the meat that passes houses that have brains enough to have Federal inspectors is good, but our local inspectors pass so many of these calves that the profit is very large for these small dealers.

MR. SMITH. Is it your contention that all calves, without exception, under 6 weeks of age, are unwholesome food?

DR. ROWLEY. No, sir; and I would be glad to come to that a little later.

MR. SMITH. We will wait, then, until we reach that.

MR. J. A. MARTIN. I want to ask about Pennsylvania and her inspection laws.

DR. ROWLEY. In Pennsylvania there is what is called the live-stock sanitary board, which I believe has authority in such matters.

MR. J. A. MARTIN. You do not think many of these calves, then, get into Pennsylvania?

DR. ROWLEY. From April 10 to May 9 there arrived at the Watertown stockyards 82 cars, containing 7,380 calves; that was in 29 days. Of these calves, our agent judged that 65 per cent were under 2 weeks

of age, and the majority of them under 1 week of age, and it is not difficult to determine that, I think, when you know that the navel string generally begins to wither at the end of 4 or 5 days and finally drops off and leaves a scab. The teeth begin to come at an early age. If he has no teeth, and if the hoofs are soft and the meat is watery and slimy after it is dressed, you have no difficulty in determining whether it is an immature calf.

On May 2 and 3, 1910, there arrived at Brighton 790 calves in carloads in those two days of which 183 were dead; dead from starvation; dead from utter exhaustion. We had one of the best veterinarians in Boston examine the stomachs, and the inside of the stomach was as dry as the palm of your hand; they had simply starved to death.

The CHAIRMAN. Where did they come from?

Dr. ROWLEY. From New York State.

The CHAIRMAN. How long had they been en route?

Dr. ROWLEY. These special carloads had been from 50 to 55 hours en route, without anything to drink. The railroads were sued by the Government and fined in each case, as they have been done in many instances.

The CHAIRMAN. This shipment had been made in violation of law?

Dr. ROWLEY. Not the New York State law.

The CHAIRMAN. But the Federal law?

Dr. ROWLEY. So far as time is concerned; yes.

Mr. SMITH. You would not use that as an argument why the shipment of these calves should be absolutely prohibited because there is one shipment you point out where the railroad had kept these calves on the cars 55 hours in violation of the law and they had become exhausted and starved?

Dr. ROWLEY. That is simply one of the evils of this traffic.

Mr. SMITH. Would not that happen to grown calves? You would not ask the Federal Government to prohibit their shipment because the railroads had kept the calves, on one instance, until they had starved to death.

Dr. ROWLEY. There were many instances in which the Government fined the railroads?

Mr. SMITH. Very properly.

Dr. ROWLEY. The superintendent of the railroad told me they did not intend to keep the law; that is was cheaper for them to pay the fine.

Mr. HAMILTON. It ought to be perfectly obvious that where a young calf has been taken from its mother it can not take any nourishment at all.

Mr. SMITH. It is also very obvious that a calf should not be kept on cars for 55 hours, and if the railroad companies are going to violate the law and ship the calves that way, they will violate this law also.

Mr. HAMILTON. They should be prohibited from shipping them at all.

Mr. DRISCOLL. Do you know what part of New York these calves come from?

Dr. ROWLEY. These come chiefly from such places as Berlin, and Palatine Bridge—in the neighborhood of Syracuse and Utica.

Mr. J. A. MARTIN. Are you going to discuss at what age these calves become fit for food?

Dr. ROWLEY. A little later. These are simply samples of reports handed me by our agents. I just brought a few of the most notable. Here is another: In six days 1,690 calves were brought over from the State of New York.

Here is a record of one week of 6,056 calves shipped to the New England Dressed Meat & Wool Co. Three hundred of the calves were thrown out by the Federal inspectors as unfit for food.

That Massachusetts is not the only State that has suffered from this is evidenced by a letter I have from the secretary of the Humane Society of Detroit, Mich. He says that:

The practice of taking young calves from their mothers in warm stables, driving them several miles through frost and snow, allowing them to stand shivering in the snow for half a day before loading them on the train, is a very cruel practice. Many of these calves are thus exposed in shipping from 30 to 90 hours. Outside of the matter of cruelty, such meat is unquestionably unfit for food.

Then, there is also a similar statement from the president of the Connecticut Humane Society. As we began to make it unprofitable to these butchers, they began to turn them into Connecticut, and this is what the president of their humane society writes. He says:

On April 25, a carload of about 120 calves was received. They were thin, eyes sunken and apparently a number of them were dead. On being taken from the car, some revived. These calves were shipped without crates. We had an examination made of two dead calves and nothing was found in their stomachs. Out of the entire number it is believed that 75 per cent were bobs.

Now, you say, why can not this be stopped by State legislation? The attorney general of New York says:

I find no authority in this provision of law or elsewhere that would justify the commissioner of agriculture to seize shipments of calves destined to a point without the State, under the conditions mentioned in your letter. The above section is intended to prohibit the offering or exposing for sale in the market of calves under 4 weeks of age or when they are not in healthy condition. The shipping therein referred to must be construed as meaning shipping for the purpose of killing within the State and can not refer to the shipping of calves without the State, as the legislature has no authority to prohibit such shipments.

These calves were shipped according to the laws of New York State to "John Smith," a little butcher in Connecticut, Rhode Island, or Massachusetts, as a "dairyman."

Mr. DRISCOLL. Does not this law require that they be shipped in crates or accompanied by their mothers?

Dr. ROWLEY. They are shipped there in crates or are supposed to go with their mothers if not crated. The attorney general of New York can not stop it because they go out to our State in conformity with the law. We can not do anything in Massachusetts except to cooperate with the Federal inspectors and such local inspectors as we can scare into destroying these calves and not allow them to get on the market as food. In many cases we have driven many of these butchers out of this business.

Mr. GOEKE. If your local inspector would do his duty, would not that remedy the condition?

Dr. ROWLEY. That would remedy a great deal of the difficulty.

Mr. GOEKE. So that it is a lack of correct local government that brings about this condition in Massachusetts?

Dr. ROWLEY. That is partly the cause, but it seems so much easier to reach it by Federal law than to attempt to control it by State law.

MR. GOEKE. Your idea is that a Federal law will reach the entire situation all over the country, but if the Federal inspectors would be derelict in their duties, you would have the same conditions, would you not?

DR. ROWLEY. Under the present conditions, yes; but if this law passes, it seems to me the Federal department has shown itself to possess too high a sense of honor not to attempt to enforce a law of this kind.

MR. GOEKE. It would be still a matter of enforcing the law?

DR. ROWLEY. Yes.

MR. DRISCOLL. New York State has a tremendous city population—many very large cities—and I take it that New York butchers are just the same kind in human nature that Massachusetts butchers are, and these butchers can find just as poor a class of people who will eat bob veal as can be found in Massachusetts. I have always taken off my hat to Massachusetts as a highly civilized State, and I take it that you are able to enact and enforce just as drastic laws in Massachusetts. There must be some law to prevent the intrastate shipment of these calves in New York and that law must be enforced, else they would not be shipped to Massachusetts, for surely there are sufficient markets in New York if it is not stopped by good law and forceful enforcement of the law, and I want to ask you if New York is not ahead of Massachusetts in the making of laws to prevent unwholesome foods getting on the market?

DR. ROWLEY. I am sorry to answer that Massachusetts is not up to New York State. For two years in the public press, and in every possible way, I have tried to force upon the Boston Board of Health and the State Board of Health the necessity for action and it can not be done at the present time. Massachusetts is behind, sadly behind, in its legislation in this matter.

MR. DRISCOLL. I am sorry you have to come to the Federal Government when you have all the power if your people are up to it.

DR. ROWLEY. We have a law in Massachusetts that I think would control it if we could enforce it. We have two statutes on our books: One says, "no calf shall be sold for food under 4 weeks of age," and we have another that says that "if a calf, when dressed, will weigh 40 pounds with 2 pounds allowed for shrinkage over night;" that is, 38 pounds, "it may pass inspection."

MR. DRISCOLL. Do not misunderstand me: I would put men that sold that bob veal to any class in jail until they rotted if I could.

DR. ROWLEY. The local inspectors in our 400 little slaughterhouses will act on the 38-pound law when the calf is dressed—and if you try to enforce it on the four-weeks law they fall back on the statute which says "if it weighs 38 pounds," and the local inspector can be induced to put his stamp on it. If we could only stir up the State of Massachusetts to realize this situation, we could do a great deal.

MR. GOEKE. Who appoints the inspectors in the State of Massachusetts?

DR. ROWLEY. The State board of health is appointed by the governor.

I would like to speak of another phase of this subject, especially bearing on the matter of cruelty. Almost all of our other food animals, swine, sheep, and fowl, even, are not transported until they have reached an age where they have some reserve strength. Swine get to

be pretty strong shoters before they are shipped, and it is true of poultry also that they have attained some age. I never saw a young sucking lamb shipped except to some one who wanted to raise it, but these calves are like infants. You and I could be put in a box car without anything to eat or drink for several days and we could survive, but you could not take a baby from its mother's breast and ship it for two or three days in a box car and expect it to do anything more than possibly just gasp when you opened the car. That is why the calf situation presents such a ground for cruelty. These are small, wholly immature, weak, delicate things that can not live except they have their mother's milk and except there is an effort made to feed them.

Last Sunday a man came through from New York State following one of these carloads of calves. There is an attempt to evade the law by claiming that they are shipping the dams with these calves, because, if they ship the dam with the calf, they are complying with the law, even if they are only 1 or 2 days old. They take along old, worn-out, dried-up, milch cows that are to be made into bologna sausage. They put them into the car with 60 or 70 calves. Capt. Walsh was with us—they unloaded 99 calves and 4 old cows. When these cows come out of the car with the calves they will walk away, with no more thought of the calf than you have of the child walking in the streets of New Orleans now. I have found the teats of these cows raw from the continual sucking of the calves put in with them.

Now, last Sunday they attempted to feed at Albany. There was a man who said: "Are you going to feed these calves." The other said, "Yes," and he came back with two pails of something that looked like milk. He said that there were four cans of condensed milk to a pail of water in the mixture. He went into the pens and held open the mouths of the calves and put in funnels and attempted to feed them with that stuff in that way. Our man took a sample of this "milk." The fellow who was feeding them saw it, and said, "What is that you are doing?" And he said, "I am simply taking a sample." The fellow excused himself and came back with a pail which was probably real milk. He said, "Take a sample of this." Our man said, "I have all the sample I need." That was the stuff of which he had taken a sample.

MR. SMITH. What would you say about shipping calves where they would not need food?

DR. ROWLEY. If the calf were old enough, I would not object to it.

MR. SMITH. But under 6 weeks of age?

DR. ROWLEY. I do not think any calf under 6 weeks of age should be shipped for slaughtering or raising on a dairy farm.

MR. SMITH. I understand that calves under 6 weeks of age may be a wholesome food.

DR. ROWLEY. That is true, but they should not be taken away for a long journey.

MR. SMITH. I am asking you about short journeys. Take the great factories where they slaughter, and a great deal of them they get come from short distances across State lines, and they are interstate shipments. This bill, as I understand it, would absolutely prohibit the shipment of the calf for 30 minutes.

MR. HAMILTON. A calf 6 weeks old could be driven with its mother.

Dr. ROWLEY. I think Judge Cowan has stated that the occasions are very rare where even the poorest men desire to ship a calf 6 weeks old. If the calf is not taken away from the mother the first few days, he will keep it 6 weeks and get his full profit out of it.

Mr. SMITH. That is true, but sometimes it would be profitable where the food would be wholesome.

Dr. ROWLEY. I am perfectly willing to say that if a carload of calves 6 weeks old—if they could be put in for a short journey of a few hours' duration, that I should not object to that.

Mr. SMITH. How about calves 5 weeks of age?

Dr. ROWLEY. You have got to draw the line somewhere, and I say 6 weeks.

Mr. SMITH. Why not make a regulation that the calves could be shipped under certain conditions where the food would be wholesome and under humane conditions?

Dr. ROWLEY. If it is possible to make such a regulation that can not be used as a cover to deal in these immature little things, there is no objection on the part of the humane society.

Now, as to health, I am thoroughly convinced that there is a great peril to the public health in this matter. I have here a letter from Dr. Cutler, of the Suffolk District Medical Society. This is the leading medical society of Boston. He says:

Our committee believes that the weight of evidence is in favor of an age limit for the sale of veal and not a weight limit, and we favor legislation along these lines.

To defeat the law, some of the butchers want to make it a weight limit of the calf and not an age limit.

Dr. A. T. Cabot, of Boston, writes me:

I am quite willing, in view of the authorities that you cite, to express my conviction that "bob veal" is unsuited for human food.

Dr. Herbert Clapp is certainly one of the leading physicians of Boston, and he says:

During the years of my practice I have seen quite a number of cases of sickness produced by eating veal from immature calves, and some of them were very severe. I think there should be very stringent laws against slaughtering for food calves during the first few weeks of life (no matter what they weigh), not only because their flesh may be poisonous but also because to most people who know anything about it the very idea is repulsive.

Dr. Eliot, the former president of Harvard College, when he heard of our contention, wrote me:

The bill introduced into the Massachusetts Legislature to allow the sale of any calf that will weigh 40 pounds dressed gives no security against the abominable cruelty of taking a new-born calf away from its mother, depriving it of all food, shipping it on long railroad journeys in crowded cars exposed to any extremes of heat or cold, and selling it for human food in this starved and agonized condition. Independently of the question of the wholesomeness of such meat, I think a civilized community has a right to prevent any buying and selling for a money profit which involves such cruelty. Moreover, I can not but think that consumers ought to be protected against all chance of eating the meat of any animal which has been in torment for many hours before the moment of killing. Man is by no means the only animal in which suffering and terror set up toxic processes. The fact that thorough cooking may destroy the germs or poisons in a raw food does not invalidate the instinctive and reasonable objection to food which was noxious when raw. We all vastly prefer as food milk, meats, cereals, vegetables, and fruits which are pure and sound, and always have been, to the same materials in which impurity and rottenness have been artificially corrected or rendered imperceptible; and this preference is wise.

Mr. ESCU. Do the medical authorities find that the eating of "bob" veal leads to ptomaine poisoning?

Dr. ROWLEY. Yes; the sickness that results could be so called. May I quote to you a paragraph or two from the Department of Agriculture, which has been sending to me articles on this very question. This is on the health condition—on the quality of this food as food or unfit for eating:

"Bob veal," or the flesh of immature calves, is objectionable on esthetic grounds and prohibitive from a hygienic standpoint. It is repulsive in appearance, owing to the water-soaked condition of the flesh and fat. This condition is due partly to the abundance of water, producing a dropsical condition of the connective tissue constituents, and partly to the presence of certain metabolic products in the tissues which are produced in the fetus as the result of tissues change or metabolism, and which are cleared away and carried off some time after birth owing to the purgative properties of the colostrum in the milk of the mother.

Besides reducing its nutritive value, the presence of the greatest amount of water acts also as a good media or fertile soil for germs, and not only lessens the keeping quality of such meat, but actually enables the formation of ptomain poisons, bacterial toxins, tox-albumen, and toxicogenic substances which the unsuspecting purchaser of such meat can not detect. As a consequence of eating such flesh profuse and some times fatal diarrhea may develop in the consumer, as has been shown in literature. Meat-poisoning bacilli find a ready media for luxuriant growth in "bob veal" carcasses even at low temperature.

Now, at the time I published this in a Boston paper, a Boston physician came into my office and said:

Last night a patient of mine died. I am perfectly convinced, from eating "bob" veal. She ate very heartily, and at 10 o'clock she became very ill, and she died before morning.

There are a number of other quotations here to the same effect. I have also a translation from a distinguished German authority, in which he bears out the same statement that the flesh of these prematurely born calves comes under the head of "spoiled foods" and is not fit to be eaten.

Mr. DRISCOLL. When those articles were published in the Massachusetts papers, I should think the people of Massachusetts would rise up and insist that a law be passed, and create such a public sentiment as would insist upon drastic execution of such a law. Now, if you can not stop it with reference to calves that come in, how can you stop it with reference to calves in Massachusetts?

Dr. ROWLEY. They take them into the woods and slaughter them.

The CHAIRMAN. Now, this law will not help you as to Massachusetts, will it?

Dr. ROWLEY. If, Mr. Chairman, we can shut them out from the other States, it will give us a chance to devote all our time to our own conditions, and I think we could do a great deal more.

Mr. DRISCOLL. You seem to be a dumping ground for "bob" veal.

Dr. ROWLEY. We are. Now, just before I close, may I ask Mr. Murray to pass them about? I want you to look at the photographs that have been taken. I have turned down a few pages in the pamphlet. These are photographs that were taken of these calves as they were received in our Brighton stockyards. I can describe them as photographs of immature calves received in the Brighton and Watertown stockyards.

Dr. Rowley hands around to the members of the committee copies of a pamphlet containing photographs taken in illustration

of the evils of the "bob" veal traffic, entitled "What Some People Eat; the Railroads and the Cruelties of Transportation; the Barbarities of the Slaughterhouse," published by the Massachusetts Society for the Prevention of Cruelty to Animals.

Mr. HAMILTON. These photographs were taken immediately upon their arrival there, were they?

Dr. ROWLEY. Yes, sir.

The CHAIRMAN. Have you stated how far they came, Doctor?

Dr. ROWLEY. Many from Maine, New Hampshire, and Vermont, but many from New York State. The route from Utica, Syracuse, and that neighborhood to Boston is about 300 miles.

Mr. DRISCOLL. Yes; about 300 miles; a little over 300 miles, I guess.

Dr. ROWLEY. I think, Mr. Chairman, that I have said all that I need to say. My appeal is in behalf of these poor, immature, little calves that are shipped under circumstances that are necessarily cruel, causing them exhaustion and starvation, and I make my appeal on the further ground of public health.

I have been surprised by the statements of the gentleman who preceded me to see how far he was really in accord with the purpose of this bill and what we are seeking.

The CHAIRMAN. Have you any other witness, Mr. Hamilton? The committee has heard you with great pleasure, Doctor.

Mr. HAMILTON. I want to present—

Mr. DRISCOLL. May I ask Dr. Rowley one question? Why do you want \$1,000,000, Doctor? [This is a statement contained in photographically illustrated pamphlet above referred to.]

Dr. ROWLEY. This is the Massachusetts society for which I was pleading. This million dollars for which I was asking was for use in our State work in Massachusetts.

Whereupon Dr. Rowley was finally excused.

Mr. HAMILTON. I want to present Dr. A. D. Melvin, Chief of the Bureau of Animal Industry in the Department of Agriculture.

STATEMENT OF DR. A. D. MELVIN, CHIEF OF THE BUREAU OF ANIMAL INDUSTRY, UNITED STATES DEPARTMENT OF AGRICULTURE.

The CHAIRMAN. Doctor, give your name, address, and occupation to the stenographer, please.

Mr. MELVIN. A. D. Melvin, Chief of the Bureau of Animal Industry, Department of Agriculture, Washington, D. C.

Several communications have been received at the bureau from Congressman Hamilton calling our attention to his having received a large number of complaints from constituents of his regarding cruelty involving the shipment of very young calves to the market, and asking our aid, in so far as we could give it, in preventing this. The only authority the department has regarding the shipment of calves is that it calls up the 28-hour law or in the condemnation of the calves unsuitable for food purposes at establishments where we have maintained Federal inspection.

The meat-inspection act referred to by Judge Cowan doesn't give us authority to regulate the shipment of these animals, and we have

no control over them until they enter into our possession, having been offered for slaughter at some establishment where we have an inspection. Then we can make an ante-mortem inspection or a post-mortem inspection.

MR. J. A. MARTIN. Why couldn't you inspect them at some of the other establishments?

MR. MELVIN. We are only authorized to conduct inspections at establishments which are engaged in interstate and foreign commerce. Where the establishment is wholly within a State we have no jurisdiction over it. For that reason small local establishments do not come under our observation.

At the request of Congressman Hamilton, we undertook to devise some sort of a bill to overcome these objections. If the committee can make any suggestions to improve this bill they would have my hearty support. The object which I had in mind, and which I think we all had in mind, is to prevent the cruelty to these extremely small and delicate animals.

THE CHAIRMAN. I would like to improve it as a practical proposition by prohibiting the killing and offering for sale of any meat of a calf until it is two years old, so that it will get big enough and fat enough to provide cheaper beef.

MR. MELVIN. I think that would increase the beef supply and cheapen beef. We have had communications along that line, but we hardly thought the Congress would entertain a bill of that sort. We have had, as Dr. Rowley has explained, many instances of these shipments where the most extreme cruelty has been involved. The owners of these calves, I don't mean the producers of them, but the speculators in them, it is their business, they are engaged in it constantly, and they are deserving of no sympathy. This bill is aimed particularly at reaching these shipments in the northeastern States. It was rather a surprise to me to know that the southwest cattle growers would have any objection at all, because their general custom is to take the cows away from the calves after they are several months old, and there may be exceptional times, in cases of drought, where it would be necessary to divide them, and I have known of instances, such as he gave, where it has been necessary to kill calves and lambs in order to save the mothers.

MR. J. A. MARTIN. Ordinary, or range, cattle people do not have any bob veal business?

MR. MELVIN. Not at all. As a general proposition, the Southwest is the breeding territory for our beef supply.

THE CHAIRMAN. Bob veal is a New England delicacy, is it?

MR. MELVIN. It is not used generally as meat. They raise their calves principally for the sake of growing them into cattle, and it is the exception rather than the rule to kill them for beef; isn't that right?

MR. J. A. MARTIN. On the range the calves run with the cows about until the next one comes along, or until they round them up in the fall.

MR. MCGOWAN. What is bob veal?

MR. MELVIN. The term "bob veal" is applied to the veal of unborn calves and calves that are very young. Often it has been the custom with some slaughterers to take well developed calves that are yet

unborn and use the meat, and that has been called bob veal. Then they take very young calves, from a week old up to the time of birth. That is what is generally known as bob veal.

We have prosecuted a great many of these railroads for violating the 28-hour law. It is an expensive proposition and takes a great deal of time to get sufficient evidence to hold the case in court, and we have succeeded in having quite a large number of fines imposed by the court; but there is a great deal of this done that is not under the jurisdiction of this law. This applies to the time that they are in transit. There is possibly half a day to a day before the calves are loaded, and that much time elapses, perhaps, after they are unloaded, so that even when you get the 28-hour proposition, that can be extended to 36 on the written request of the shipper. Then, add this additional time before loading and after loading to that 36 hours and you have got two or three days where the animals are absolutely without anything to eat. They want to eat and can not eat, because they haven't learned how to eat, and that pretence that they go through of feeding them is a mere farce. We found men who would put in a case of eggs, claiming that they broke the eggs and fed raw eggs to the calves. They would get more egg on the outside of the calf than on the inside of them. It isn't practical.

There is one letter which I would like to read, which illustrates many that we have received, and this one I think would serve the purpose. This is a letter written by our inspectors at Worcester, Mass. It is addressed to me.

For your information I wish to advise you that N. Y. C. car No. 26297, containing approximately 140 calves, 5 cows, and a bull, shipped March 23, 1912, from New York, consigned to J. Malone, Providence, R. I., in care of New York Central and B. & R. R., 28-hour limitation, was reported as fed and watered at Albany March 25 at 2 p. m., and arrived at Worcester at 11.30 a. m., March 26, and was transferred to N. Y., N. H. & H. yards at 12.30 p. m. on March 26. There was from March 23, 1912, to March 26, noon, and it was unloaded and fed and watered at 1.30 p. m. At the time of unloading we found 17 calves in one cow bin. Many calves were in a semiexhausted condition and, in my judgment, many calves were not over 10 days old, and the cows were in a very poor condition and were nearly exhausted from being nursed by so many calves. The stock was unloaded in the N. Y., N. H. & H. yards and fed, and the dead ones removed. Ten cans, containing 85 quarts of milk, was given to the calves, some of which were too young to drink. The calves were reloaded at 6.30 p. m. at Providence, the remaining four cows and the bull were loaded into a separate car and shipped also.

I could have brought up a large number of letters similar to that; but I do not think it is necessary. There is a very great cruelty that ought to be abated in some way. If the States will not do it, the Federal Government ought to do it. That is about all the testimony that I care to give.

These calves sometimes are brought to Federal places, where we maintain an inspection, and there our minimum age limit is three weeks; but if a calf is ill nursed or for any other reason is unsatisfactory, it is condemned.

The weight of the calf, as Mr. Rowley has said, and as you all know—the great difference in weight between a little Jersey calf that may be 2 months old and a big Holstein calf that may be a week old—the Holstein may outweigh the Jersey. The age, with the other conditions, it seems, would be the fairest method of determining the matter.

MR. SMITH. Suppose we all agree that these affairs that have been described here should be legislated against. Don't you think that

instead of an absolute prohibition there ought to be some system of regulation of these things, so as not to work a hardship on anybody?

MR. MELVIN. Well, I think all of these methods are agreeable to me or any of them that will overcome this cruelty and won't go so far as to interfere with legitimate business where it conducted in a humane method.

MR. SMITH. That is exactly what we want, as I understand it.

MR. MELVIN. I want to say this: That I am not wedded entirely to this bill as it stands absolutely; but I am opposed to any furtherance of this terrible traffic that has been engaged in so extensively.

MR. DRISCOLL. Is it easy to determine—that is, practically—the age of a calf?

MR. MELVIN. In a live calf it is quite easy—well, within reasonable limits, yes, sir. As to the dressed calves—in their case you can not so readily determine the exact age, although you can determine very readily whether the meat should be used or not.

MR. SMITH. Take this bill, which, as I understand it, prevents the railroad companies from accepting a calf under 6 weeks old for shipment. How will the railroad agent know whether the calf is 5 weeks old, or 7 weeks old, or 5½ weeks old, or 6½ weeks old?

MR. MELVIN. They would have to determine that in their own way, the same as they have to determine whether they shall receive a shipment of meat in interstate transportation, or as to whether it should be inspected or not.

MR. SMITH. Wouldn't it be better to provide by proper regulation for the shipment of these calves? There would be no objection to shipping them in cars by themselves for short distances, would there?

MR. MELVIN. No; not within reasonable limitations there would not be.

MR. COWAN. In the movement of cattle and sheep, for that matter, where your quarantine lines are on the State lines, is it not a fact that the railroad companies and other persons are prohibited from shipping except where they have inspected according to quarantine regulations? That is true, isn't it?

MR. MELVIN. Not in all cases.

MR. COWAN. You do not allow cattle to be shipped out of Kansas without Government inspection?

MR. MELVIN. We permit the shipments of that sort, for instance, in the Northwest, we have a quarantine for cattle scab, if an owner is permitted to ship cattle that he says are clean on his own statement, that is, uninspected clean, in order to facilitate shipments. We would not have inspectors enough to provide all of the inspection necessary without entailing a great delay. In these cases there might be shipped upon proper affidavit or evidence, and then it could be determined whether that was a false affidavit or not.

MR. COWAN. The point I want to bring out is this enforcement of the quarantine regulations against diseased animals. When your department makes regulations they have the effect of all——

THE CHAIRMAN. Doctor, will you be able to finish your statement at this time, or would you prefer to have another hearing?

MR. COWAN. I would like to finish this statement.

THE CHAIRMAN. The time for adjournment has arrived. Go ahead with your question if he is going to get through.

Mr. COWAN. Isn't it a fact that if it could be provided to have such inspection in all localities, and that inspection was properly enforced, wouldn't that be all that would be necessary?

Mr. MELVIN. You mean in case——

Mr. COWAN. Take Massachusetts for example. Why couldn't the department be given authority to make these regulations wherever they found improper handling of these animals had been carried on.

Mr. MELVIN. Well, it isn't always desirable to place all of the responsibility upon the shoulders of an administrative officer. We would like to have Congress bear some of the burden.

Mr. COWAN. We are regulating everything. We have got to do it. We have got to let legitimate business go on. Supposing the stockmen, and the State boards of health, and the sanitary boards of the different States would get into communication in such a way as to do away with this. That would reach all of the evil and yet not do any harm. Would you be willing to aid in that way?

Mr. MELVIN. Well, I would like to consider the matter further; I wouldn't like to give an opinion offhand.

Mr. HAMILTON. Just one question in connection with Judge Cowan's suggestion. I am not certain about it, but the question occurs to me whether you can convict a man for the violation of a rule made by a department. You could convict him for the violation of a law passed by the legislature or by Congress, of course, but can you permit a department to make a ruling and convict a man for violation of that department-made rule? That has been under discussion, and there is a case in Colorado, and according to my recollection it was held it could not be done.

Mr. COWAN. It can be done. It is done in the grazing and in the forest reserves.

Mr. MARTIN. That is what I was just saying, Mr. Hamilton, that the Supreme Court of the United States has decided that out in the West in the forest reserves that such penalties can be enforced.

Mr. COWAN. They can be enforced; they were enforced and sustained.

Mr. HAMILTON. That is, where the rule is drawn within the law itself.

The CHAIRMAN. We are very much obliged to you, Doctor, for your appearance here.

Mr. MURRAY. Mr. Chairman and gentlemen, I have just received a telegram from Francis X. Mahoney, of Boston, the commissioner of health, as follows:

BOSTON, MASS., April 2, 1912.

HON. WILLIAM A. MURRAY,

House of Representatives, Washington, D. C.:

House bill introduced by Hamilton, of Michigan, relative to transportation of calves under 6 weeks of age, is before the Interstate and Foreign Affairs Committee to-day, April 3. Boston is more vitally concerned than any other city. Bob veal traffic can be entirely stopped by the passage of this bill, and this board is unanimously in favor of its passage. Please consult and aid Dr. Melvin, of the Bureau of Animal Industry.

FRANCIS X. MAHONEY,
Commissioner of Health.

I also want to say, Mr. Chairman, that I received a letter from the mayor of the city of Boston in regard to this matter, setting out substantially the arguments that were made by Dr. Rowley here in support of the pending measure, H. R. 17272. I simply desire to state

that the public sentiment of Boston, and of that part of Massachusetts around Boston, is entirely in sympathy with some sort of legislation of this kind. Some of our newspapers have already had editorials in favor of it, and we believe that at least this bill, if not something along more extensive lines than this, should be reported out, so that it may be enacted into law before the adjournment of this session of Congress.

MR. DRISCOLL. Do you admit that Boston is incapable of taking care of itself?

MR. MURRAY. We have always found where we have attempted to do that, to urge action on the part of the local legislature, in the matter of interstate business, that it is to our disadvantage in one form or another if we pass laws which other States will not come up to.

MR. DRISCOLL. They say that they are shipping calves from New York into Massachusetts, because New York has better laws and they are better enforced. Why don't you pass good laws and enforce them?

THE CHAIRMAN. The committee is very much obliged to you, Judge Murray, for your enlightening statement, and the committee will take a recess till 2.30 p. m.

Whereupon the committee took a recess to 2.30 p. m.

AFTER RECESS.

THE CHAIRMAN. The committee will come to order.

STATEMENT OF J. H. BENNEDICT, SUPERINTENDENT STEVENS-SWAN HUMANE SOCIETY, UTICA, N. Y.

MR. BENNEDICT. Mr. Chairman and gentlemen of the committee, I have not a set speech, gentlemen, to deliver, but I am simply here to tell you some facts in regard to the shipment of one car of stock, which appeals to us as a humane society, and which seems to call for action by this committee and by the body which you represent to try and do away with the circumstances that will permit such cruelties.

On March 29, last, in the village of New Berlin, Chenango County, Mr. J. C. Ellsworth, a cattle buyer and a shipper, loaded into a car 2 bulls and 3 cows which were partitioned off in one end of the car, and 1 veal calf, claimed to be 4 weeks old, and 57 bob calves, none claimed to be over 1 week of age, were brought for shipment, and 10 of them were so exceedingly youthful and weak that they were not placed in the car, and they simply placed the 47 in the car.

MR. ROWLEY. At your request?

MR. BENNEDICT. At our request; yes, sir. The one calf that was brought there—I said to the farmer who brought the calf to the car door, looking wet and hardly able to stand—in fact, he did not stand until he was lifted upon his feet from the wagon: “Did you have the misfortune of dropping this calf into a mudhole on the way to the car?” He said, “Oh, no; that calf only came last night.” Well, then, there was a calf 12 hours of age being shipped in a car. This village of New Berlin is the southern terminal of the Valley Railroad, and 20 miles distant from Bridgewater, the northern terminal of the same route. The car was loaded, and the train started, leaving New

Berlin at 11.15 a. m. It stopped at Leonardsville, and there 17 head of bob veal were added to the ear, and at Bridgewater 15 more were brought in a wagon, but one of them in such condition that it was rejected.

The train was loaded and ready to leave the station at Bridgewater at 1.30 p. m. on the 29th. It was placed in the yard at Utica, the D., L. & W. yard, by the D., L. & W. train at 6.50 p. m. the same night, and remained there until 1.11 a. m. the morning of the 30th, when it was conveyed by a New York Central engine to the New York Central tracks. At 8.45 o'clock that morning the yardmaster, the telegraph operator, and yardmaster's office at West Albany advised us that the ear left Utica at 4.30 a. m. that morning. It arrived at West Albany yard at 5.31. They unloaded the mature stock, and commenced to feed the calves at 6 p. m. and finished feeding them at 7.30 p. m., and while it was very pathetic, it was really very amusing to see the manner in which the calves were fed; and I would say here that one was dead in the ear and was moved out.

Mr. ROWLEY. Just state that you were present.

Mr. BENNEDICT. I certainly was present at each of these stages that I am telling you about. The gentleman, Mr. Patrick Horan, who has charge of the feeding yards at West Albany, informed me that they always feed the stock that is left there in this manner. I would say that in this case, where the carload of stock was shipped from New Berlin, I saw the waybill which accompanied them with orders to stop and feed at West Albany. I asked Mr. Horan how he fed the stock, and he said, "Oh, we feed them with a mixture of water and meal, a sort of a glue that we make." This was some time before the ear arrived; but when the ear arrived he had with him in all five assistants; there were four men and a boy, three men that he employed and another volunteer and a boy, so that there were five assisting him, besides himself. They had buckets and pails which he said were "14-quart pails," and looked like that to me, as they held about that; as they were brought there containing about 12 quarts in each pail. There were nine pails of mixture brought to feed the calves, and they had two quart dippers and two funnels and pieces of hose attached to the ends of the funnels, so that if any calves could not eat from the pail or the dipper they could raise up their head and put a rubber hose in their mouth and pour some of this mixture down their throats. For men who had had experience over a number of years in a stock-yard and had been feeding the calves every week, as they claimed to have done, it was amusing to see them try to feed the calves. It struck me that they were certainly very careful to be hygienic and sanitary. I said at the same time: "Do you purchase new utensils for feeding each ear, so as not to contaminate any ear by using the same utensils that have been used for feeding a previous ear," because the pails and the funnels were apparently just from the shop and had never been used from their appearance. He said, "No; we had to get them to-day, as we couldn't find our other stock utensils."

Nine pails of this food was brought to the ear. About the fourth pail, I should say, somewhere along the fore part of the feeding, Mr. R. H. Murray, who was also present at the time, took a bottle and dipped into one of the pails which they were feeding from, saying that they wished to sample it, and he corked up the bottle, and then Mr. Horan came back with the pail and set it down in front of us

and said: "Mr. Bennedict, you have been asking us a lot of questions and asking favors, and now I want you to do us a favor. I want you to have a sample of this milk (as he styled it). I am feeding these calves four cans of red — brand which contains so much milk to each pail, and we are making up the balance with warm water." He said that it would be unnecessary, as we already had a sample of the milk, but not from the pail that he desired us to take it from. That composition, whatever it is, was placed right there in the hands of a veterinary—I can't tell you his first name—Dr. Harris, of Albany, and he was to have it examined and report upon it, and Mr. Horan said that if it was not the right strength to let him know and they would make it up just as we told them to do. Certainly the whole proceeding had quite the appearance of "fish."

The cans were put back into the car, and the car door nailed up at 7.30 p. m. that night. At 10 o'clock p. m. the car was reported shipped by way of the B. & A. to Brighton Yard, which is the stock-yard, one of the stockyards at least, for Boston, and at 8.47 p. m. on Sunday night, the 31st day of March, the car arrived in the yard, and was placed at J. J. Kelly & Co.'s abattoir, at 9.55 p. m., where the car was unloaded. The calves were taken inside at the yard, and the officers who were present were Mr. Harry L. Allan and Mr. Walter B. Burke, of the Massachusetts Society, and we ordered them to take the calves and feed them, as it would be past the time limit before they would kill them the next morning. They were shipped from Léonardsville to Mr. Baggs—A. M. Baggs, Brighton, Mass.

When they arrived at Brighton, Mass., the two bulls had been taken from the car, and the car was consigned to Mr. J. J. Kelly & Co., who are the butchers or abattoirs at the yard. The car left New Berlin at 11.15, 20 miles to Bridgewater, and 19 miles from there to Utica, and 92 miles to West Albany. That distance of 131 miles was covered in 29 hours and 16 minutes. From West Albany to Brighton, a distance of 223 miles, there were 23 hours and 55 minutes, and added to that time, the lay-over in West Albany from 5.31 until 10 o'clock in the evening. When they took the calves from the car at West Brighton, 12 of them were so weak, while they were yet alive, that they had to be carried from the car and placed in the wagon, as they could not stand up in the wagon. As they could not stand up in the car they were trampled upon by the other calves that were stronger.

I do not know that there is anything more that I have to say. I just wanted to state those facts.

The CHAIRMAN. The authorities in Massachusetts tamely submit to have that sort of stuff put on their market?

Mr. BENNEDICT. My dear sir, I do not live in Massachusetts.

The CHAIRMAN. Didn't this load of calves go to Massachusetts?

Mr. BENNEDICT. Yes, sir; they went to Massachusetts, but I followed them from New York. We can stop their shipping calves in New York from one place in New York to another place in New York, but the attorney general holds—the attorney general of the State of New York—that we have no authority, in accordance with the interstate-commerce law, to interfere with calves shipped beyond the limits of the State.

The CHAIRMAN. That is, provided that they are legal and decent shipments. But suppose you were to have an altercation with a man about an interstate-commerce shipment in New York, would he hold that the State court could not put you in jail for knocking a fellow down because it was an interstate shipment?

Mr. BENNEDICT. I do not know: I do not want him to try it on me.

The CHAIRMAN. Now, if people go the extent of barbarity and indecency and cruelty, both the calves and the people trying to feed the calves, it looks to me, would come right under the police regulations, and if somebody interfered they ought to be arrested and put in jail for it.

Mr. BENNEDICT. I returned from Boston Monday night, and came here, and arrived this morning. When I go home I shall lodge a formal complaint against the young man who shipped the calves, and see if we have any redress with him.

The CHAIRMAN. I do not believe that it is provided in any of the reports of the commission, or of the Commerce Court, or the Supreme Court, or anywhere else, in connection with interstate shipments, that anyone can be guilty of gross, cruel, and vile and immoral conduct of that kind. I do not think that is protected by the interstate-commerce law at all.

Mr. SMITH. Will you please tell us, if you have not already done so, what your State laws are that apply with regard to the shipping of calves within the State of New York?

Mr. BENNEDICT. I am not a lawyer, and I do not know that I can state that.

Mr. SMITH. I thought you had regulations or laws prohibiting that?

Mr. BENNEDICT. We have a lawyer here from our State. I am simply trying to call attention to some of these things in an effort to save the poor animals from being tortured. I believe this law, which has your consideration at this time, if it could be passed, would do away with all of this, and will do away with it absolutely.

Mr. GOEKE. Are these practices indulged in in your State, do you know?

Mr. BENNEDICT. I couldn't say as to shipments in New York State, but they are an every week occurrence, and they are constantly taking place, and the complaint came to us as a society, and I wanted to follow it up and see what there was to it, and take such action as we could. I know nothing about this matter pending here, and I knew nothing about it at all until I arrived in Albany, and we there telephoned to the president of the national association, who is also president of the Mohawk and Hudson Association, Dr. W. O. Stillman, and he said he was very glad that I was after that load; that they were getting data to present before the committee here, and he would have a gentleman meet me and go with me. I didn't know that I would go through, out of the State, but after I started I hated to give up until I got to the end of it, so I came down here.

Mr. ESCH. Is there a law in the State of New York against the sale of unwholesome and immature meats?

Mr. BENNEDICT. Yes, sir; and those laws are being enforced. We are enforcing them in our city, and enforcing them in New York City. This bob veal, these people do not dare to ship that into New York City. They do not dare to ship it into Buffalo, or to ship it to Albany. The interstate-commerce law permits them to ship it out of the State,

and it is so held by our attorney general, and that is the very thing which has tied our hands so that we can not do anything.

Mr. GOEKE. If the State of Massachusetts had a law of a similar nature it would be enough to cover both States, wouldn't it?

Mr. BENNETT. It would, so far as that is concerned, but that wouldn't affect the other States.

Mr. GOEKE. If every State had such a law?

Mr. BENNETT. Yes, sir; that would help undoubtedly.

The CHAIRMAN. The evidence before this committee seems to be that no other State buys such stuff except Massachusetts.

Mr. BENNETT. Connecticut—

The CHAIRMAN. I didn't hear that part of the testimony.

Mr. BENNETT. I have had complaints from Mr. Love, who is the president of the Connecticut society, asking in regard to the bobs that were shipped just north of us, from the village of Remsen.

I was talking to a gentleman who was on the train last night going from New York—a shipment from Utica to New York City on the Empire—going down to look after a shipment of veal calves that he had secured there, and they were on the way. He had read a little account that was in the Utica papers in regard to the trip that we had made, and the suggestion that we might go to Washington. He said to me, "If you go to Washington, by all means, if you can, stop this traffic in bobs, as it will be of benefit to every person."

Now, they tell you about the money that there is in it. The farmer can get a certain price for his calf. He gets about—this man bought these calves, and he told me that he paid \$1.50 and \$2, according to the quality. I saw him pay for those calves that day, \$2, except in one instance where five calves were bought, one of them was a very insignificant one, and looked more like a jack rabbit than like a calf, in size, and he gave him \$10 for the six. He told me that he sold these calves in New Berlin to Mr. Baggs, who gave him \$5 for every calf that lived to get through to Brighton. They pay \$5 for them, but if any die on the way the seller loses that. He was paying \$2 apiece, and Mr. Baggs was paying him \$5, but he stood the loss by death.

There is a presumption, of course, which would not stand as testimony, but we figured that had we not stopped the 11 calves from being shipped that were not able to stand, and those that did stand wiggled back and forth, and they were such little things; they were not to exceed 24 hours in age, and in all probability that entire number would have been dead in the car when they arrived at the yards at Brighton, but they were weeded out, and consequently they were in better shape on that account. Then they were fed at West Albany. While the 78 calves in the car only received an approximate amount of 108 quarts, less what was spilled in feeding it to them, and the probabilities are that they received an amount less than 3 pints, yet that would have a tendency to strengthen them, as a half a loaf is better than no loaf at all.

The gentleman who met me said that it was very rarely that a car-load of stock had come into Boston or Brighton even from shorter distances in so good shape as this car did, and they were in a shape that was bad enough. As I said, there were a dozen of them that had to be picked up and carried from the car.

Mr. EICH. Have you in your experience found any violations of the 28-hour law with reference to the shipment of calves?

Mr. BENNEDICT. This is the only case that I have followed directly; that is, referring to a shipment of calves. I have directed our attorney to bring a number of cases against the New York Central for violation of the law in regard to the shipment of other stock. Our attorney has taken the cases up with the New York Central, eight cases, where they have delayed cattle, and hogs, and horses beyond the limit. In one case there were calves in the car with the others.

The CHAIRMAN. Don't you think there would be a fair field of enterprise for gentlemen interested in each community, to organize a company to buy up all of these unfortunate calves and take charge of them and raise them into good beef, and then sell them? That would not only take care of the calf, but would make for a profit on the beef. It wouldn't take very much enterprise in each community to do that beneficent work, and it would be a great thing for the country.

Mr. BENNEDICT. Unfortunately, our territory is rather thickly populated, and we might secure them, if it were not for transferring them to some of our States that are further removed, where they have more territory.

Mr. DRISCOLL. What remedy would you suggest for the people around our part of the State? For instance, all down through the eastern part of the State they are more anxious to get milk, because that pays better than anything else—if it would be put up to them to kill the calves as soon as they are calved, and get the skins if they are worth anything.

Mr. BENNEDICT. They are getting from \$1.50 to \$2 for the calves.

Mr. DRISCOLL. How much for the skins?

Mr. BENNEDICT. The skins are worth \$1.15 and the stomach is worth 15 cents, making \$1.30.

Mr. DRISCOLL. Your idea is that these carcasses should not be sold for anything except the hide?

Mr. BENNEDICT. Except for the hide and the rennet.

Mr. DRISCOLL. The rennet?

Mr. BENNEDICT. The rennet.

Mr. ESCH. How about the liver? I thought that was eaten.

Mr. BENNEDICT. It is eaten, but it is a little premature for good eating.

Mr. ESCH. If we get it passed by an inspector?

The CHAIRMAN. I think it is premature to eat liver at any time.

Mr. DRISCOLL. Is it sold as a luxury, the rennet, at that age?

Mr. BENNEDICT. Well, it ought not to be. That is what we are asking you gentlemen to help us for, so that we can prevent it.

Mr. DRISCOLL. The only way to prevent that would be to have the calf killed, and just take the hides and let the rest go?

Mr. BENNEDICT. If there is a penalty of \$20, a minimum fine of \$20, and perhaps a fine of \$50 for each case that follows that can be imposed upon a man who sells it, and upon the man who buys it, and upon the railroad that transfers it or transports it, that will stop it and stop it immediately.

Mr. DRISCOLL. I would make it imprisonment; I wouldn't bother with a fine in the case of a man who will sell bob veal for food.

Mr. BENNEDICT. You will have every one of your neighbors up there (the farmers) in jail.

Mr. DRISCOLL. All right; they would go there if they would sell bob veal for food.

The CHAIRMAN. Mr. Benedict, the suggestion that I made to you is entirely practical. I have seen it tried many a time, and instead of these societies coming to Congress to ask for this sort of release, if some one in each community would take it upon themselves to acquire these discarded calves from those who are too stingy to bring them up, they can keep them and raise them until they are of some value, and make money on it. That would not only relieve the people of the danger of that sort of stuff on the market, but it would actually mean money for those who would take the calves and raise them until they are large enough to make beef fit to eat.

Mr. BENNETT. I haven't a question, sir, but that that is true, if we had some philanthropist, as it would have to be a philanthropist, to start this work, and others would follow him. In that case I don't think we would be paying 25 cents and 30 cents a pound for the beef we are eating.

The CHAIRMAN. That is right; the calves could be raised and they would turn out into good beef.

Mr. DRISCOLL. Is it your judgment that the only thing that could be done is to kill the calves right on the spot and keep the hides and throw the rest away?

Mr. BENNETT. I do not know of anything else.

Mr. DRISCOLL. Are you not afraid now, as a New Yorker, that if you stop the farmers in your country and mine from sending this stuff to Boston that they will actually dump it into New York?

Mr. BENNETT. I don't think the authorities in New York will allow them to come there. We have got a law to prevent it.

Mr. DRISCOLL. A law isn't worth a cuss unless it is enforced. I do not see why Massachusetts can not make a law and enforce it.

Mr. ROWLEY. We can't make a State law and prohibit the shipping of these calves into Massachusetts if they come in by permission of the laws of New York State.

The CHAIRMAN. You can catch them just as soon as they are unloaded and they try to dispose of them, and put every party in jail that handles them.

Mr. ROWLEY. We can not.

The CHAIRMAN. Why not? They are out of the original package.

Mr. ROWLEY. We can already prosecute them for cruelty, where a man ships them out of the State.

The CHAIRMAN. Can't you prosecute the fellow who sells them?

Mr. ROWLEY. That is very true, but if our local inspectors pass them then our hands are tied.

Mr. DRISCOLL. I do not know why there isn't sentiment enough to enforce such a law, but it is a curious thing that Massachusetts has got to ask Congress for a law covering these cases.

Mr. ROWLEY. Let me say that as a result of this agitation we did get through the legislature last year a bill providing for the centralization of the meat inspection of the State of Massachusetts by the Massachusetts State Board of Health with the understanding that the work of inspection should be the same as that carried on by the Federal department. This bill was passed and we thought we had won a great victory, and that we were going to be able to control this thing,

but we found afterwards that there was no appropriation made for the execution of that law. Consequently, the Department of Public Health in Massachusetts has refused to do a single thing in regard to it.

The CHAIRMAN. Suppose Congress provides regulation of the kind you want, and provides for a number of inspectors in Boston, don't you suppose that a lot of Boston men would ask to be appointed?

Mr. ROWLEY. Mr. Chairman, if this bill becomes a law, I can guarantee that the Massachusetts Society for the Protection of Cruelty to Animals, through the cooperation of the Federal department, will see that it will be enforced from one end of the State to the other.

The CHAIRMAN. Hasn't your society got as much regard for the health of the people as you have for the calves?

Mr. ROWLEY. We are doing the very best we can.

The CHAIRMAN. It looks to me as if you could watch the market and keep these premature carcasses away from the people.

Mr. ROWLEY. We do the best we can. Our function isn't to deal with the health of the people primarily. That is a secondary consideration with us. But at the same time we are doing everything we can for the public health.

Mr. DRISCOLL. Have you in your country an organization for the prevention of cruelty to human beings?

Mr. ROWLEY. I suppose there are children's societies.

The CHAIRMAN. You might amend your by-laws to extend your functions.

Mr. DRISCOLL. Go on, Mr. Rowley, I didn't want to interrupt you.

Mr. HAMILTON. I want to present Mr. Murray, field secretary of the American Humane Association, but before Mr. Murray proceeds I want to make this statement: I have a memorandum which was sent to me by the Agricultural Department, which was compiled upon an investigation conducted by the department under the supervision of Dr. Melvin. This traffic is not confined to New England and New York. A good deal of it is to the west of Buffalo and in that part of the country tributary thereto. I want to say, Mr. Chairman, that I knew but very little about these splendid organizations for the prevention of cruelty to animals except as I had read of their work. I had never had the pleasure of meeting any of these gentlemen, and my attention was originally attracted to this practice by a shipper of cattle in my own country. He asked me if I knew anything about it, and after describing it to me he asked me if there was not some way of preventing it. Thereupon I began correspondence with Dr. Melvin. This was something like three years ago. He said there was not any way to prevent it under the law, and I asked that an investigation be made looking toward some kind of curative statute. He advised me that he had no means of making an investigation except through the regular force of agents and inspectors and that it would take some time, but that he would do the best he could, and along in last September he reported, and a condition was revealed which astonished me, and as a result of that I introduced this bill. I had no idea of the widespread prevalence of the condition which has been described here. It seems to me that every man who hates cruelty ought to try to do something to prevent it.

The CHAIRMAN. Wouldn't you make it stronger if you said, "Every man who loves good victuals"?

Mr. HAMILTON. I don't know. Of course, I feel that way about it, but the other side of it—the cruelty side—touches me. A man that would do what has been described here for the few dollars there is in it ought to go—ought to be punished and ought to be stopped.

Mr. GOEKE. I do not think there is anyone who approves of the practice, but isn't it purely a local matter that the police regulations of a town or city ought to handle absolutely?

Mr. HAMILTON. Why, if you take that view of it, you wouldn't have interstate commerce regulation by the Federal Government. The corporations of this country are organized under laws of the various States, and we talk about States undertaking to regulate traffic among the several States, but——

Mr. GOEKE. This traffic, this is a crime.

Mr. HAMILTON. This is traffic, and this is the only way in which we can reach it, and it is a legitimate way in which to reach it. It is suggested here that the States themselves ought to regulate these conditions, and that is true, but you gentlemen know that the States do not regulate things which might be considered of wider importance than this traffic. They do not get together.

The CHAIRMAN. Suppose that carload of calves had been turned loose on you and your people had been threatened with being fed on dead baby calves, would it have taken you more than 15 minutes to get the whole bunch in jail?

Mr. HAMILTON. Our people live on a higher plane of civilization than that. It is disgusting and inhuman, and I would use every power I had to stop it.

The CHAIRMAN. Couldn't you find power mighty quick in your town?

Mr. HAMILTON. I would try to.

Mr. MURRAY. In the great cities, with politics running your boards of health and everything else, what can you expect?

The CHAIRMAN. Take a little interest in politics.

Mr. HAMILTON. There is a wider phase than that, if the chairman will permit me. Forty per cent of our population are congested in the big cities to-day, if I recall the figures correctly, and they are complaining about the scarcity of food supply, complaining about the high price of living, and here is a practice encouraged, or permitted at least, by which these calves are taken and immediately put upon the market. There ought to be some way to discourage that sort of thing, to encourage the raising of more cattle, and this legislation will help.

The CHAIRMAN (interposing). You can swear me; I never have eaten a piece of veal in my life and never will; veal nor liver.

Mr. DRISCOLL. Don't you see that if you pass this law, you don't help the New York people?

Mr. HAMILTON. I don't know but that the New York people have reached the stage where you can not help them.

Mr. DRISCOLL. You pass this law and you do not help the people of New York or Buffalo.

Mr. HAMILTON. A man that would make a calf suffer that way and would foist that kind of food——

Mr. ESEN (interposing). Mr. Hamilton——

Mr. DRISCOLL. The butchers are the only ones making any profit out of it?

Mr. HAMILTON. I would put them all in jail.

Mr. ESCH. You remember the investigation in the matter of pure food and drugs. It was argued that this should be left to the power of the different States, the matter of preventing the transportation of impure foods or adulterated drugs.

You stated that you had a statement from Mr. Melvin, giving the prevalence of this practice. I think that you ought to put that into the record.

Mr. HAMILTON. I will do so.

Mr. DRISCOLL. This bill isn't to prevent the transportation in interstate commerce of impure food. It is to stop the suffering of those animals.

Mr. HAMILTON. Well, you know yourself that it not only is intended to prevent an inhuman practice, but to prevent the unloading of disgusting stuff upon the market for the people to eat unknowingly.

Mr. DRISCOLL. I should think you would make that the gravamen of your bill.

Mr. HAMILTON. I will incorporate here the memorandum furnished by Dr. Melvin.

MEMORANDUM IN RE BILL TO REGULATE INTERSTATE TRANSPORTATION OF IMMATURE CALVES.

The shipment for slaughter of very young calves in interstate commerce has grown into a practice. The reports of department agents and officials of State sanitary live-stock boards and of the State and national live-stock humane associations show that shippers of live stock take young calves not yet weaned and therefore incapable of taking any other kind of nourishment than milk, separate them from their mothers, and ship them to distant points in interstate commerce. At the time of slaughter these young animals have often been separated from their mothers for three or four days or more. In some cases calves are permitted to run with their mothers until the time of shipment, and in these instances the cruelty of shipping them for long distances is extreme and results in a period of absolute starvation.

The president of the Massachusetts Humane Society states that the majority of young calves shipped to the stockyards of that State are fatigued and more or less exhausted, many dying on the way. The opinion of Mr. Frank Burke, of Niles, Mich., a well-informed stockman, who expresses the hope that something will be done to put a stop to the cruelty practiced in the shipment of young calves in interstate commerce, is typical of the position of a great many other shippers.

Another well-informed shipper cites a not uncommon case, in referring to a shipment of calves 3 weeks old from southwestern Michigan to Buffalo. These calves could take no food except from their mothers, and were separated from the cows and sent on the journey, which took 48 hours or longer. They reached their destination nearly dead. The following quotation from a letter from Dr. Francis H. Rowley, president of the American Humane Education Society, to the Assistant Secretary of Agriculture, describes the cruelties incident to the shipment of very young calves:

"The difficulty is that these many thousands of young calves which have been shipped into Massachusetts in crates from New York State, where they can only be shipped to be used for dairy purposes, are shipped here to some of our most disreputable butchers and consigned to them as dairy companies. It seems to me that this shipping of them under false pretenses must be a flagrant violation of interstate regulations at least. They are brought from New York State into Massachusetts under an absolutely false pretense, shipped for example to the Tom Keenan Dairy Co., when Tom Keenan is as innocent of any purpose connected with them, except to slaughter them, as possible."

The following quotations from reports of inspectors of the department regarding the shipment of very young calves, are also pertinent in this connection:

Under date of January 3, 1911, Dr. B. P. Wende, inspector in charge, Buffalo, N. Y., says:

"Such animals are not given any more consideration with respect to feed, water, and rest than other animals, and have often been confined in cars without feed, water, and rest from 38 to 45 hours when unloaded at these yards."

In fairness it should be said in this connection that it is claimed the calves in these cases were fed.

Dr. James S. Kelly, inspector in charge, Cleveland, Ohio, under date of April 4, 1911, writes as follows:

"On yesterday, April 3, there were several mixed shipments of live stock at the Cleveland Union Stockyards from points in Michigan. Among these shipments were a number of very young veal calves. The Cleveland city inspectors tagged out some 40 or 50 which apparently ranged in age from 8 to 14 days, and which were too young to slaughter under the city code. Not being able to slaughter these calves in Cleveland, they were bunched together with others, by Bower & Bower, live-stock commission men, for shipment to Armour & Co., Pittsburgh, Pa."

In this connection it should be stated that the establishment at Pittsburgh to which the calves were shipped was not under inspection by the Department of Agriculture.

Dr. George Ditewig, traveling inspector for the bureau, writes from Chicago, Ill., under date of July 18, 1908, as follows:

"The number of calves given for city use and Chicago packing is 228,000. The number of calves rejected for all causes is 1,117. How many duplications, if any, this total contains can not be shown. Practically, this whole number (rejected) is made up of bob calves, or inspections on bob calves. In this particular line the inspection has been active and fairly successful; successful, at least, in diverting such animals from the official to the local and nonofficial slaughterhouses."

That large dealers in live stock are in favor of some restriction on interstate commerce in the young calves is clear from a statement made to the department in a letter from Armour & Co. under date of April 13, 1911, in which the statement is made that "there is really nothing in the live-stock business to-day that is so bad for the country as to see immature calves going to slaughter." As showing that all transportation companies are not in sympathy with the practice of shipping immature calves in interstate commerce, the following from a report made by a department agent is quoted:

"Having been advised by the B. & A. agent at Brighton, Mass., that Mr. H. M. Biscoe, assistant general traffic manager of the B. & A., wanted an interview with me, I called at his office and we talked over the matter of the shipments into Massachusetts of live calves from points in New York State. He advised me that the railroad did not like that kind of traffic, as it was not very remunerative, and in view of the severe criticism by the press they had made an effort to stop it, but were compelled to accept these calves under the interstate-commerce act. I advised him that, considering the conditions under which the calves were shipped, I thought the shipments might be refused. I stated my reasons for so thinking. He replied that the information was new to him and that he would consult with the law department. In a few days after this interview I was advised that the New York Central & Hudson River Railroad Co. has sent to its agents at points in New York State telegraphic instructions to receive no more calves in crates or under four weeks of age for shipment east of Springfield, Mass., on the B. & A. or for Boston, Mass., and vicinity. They are now unable to get anything into Boston, Mass., in crates, and if they ship them loose in cars, under four weeks of age, they will be condemned by inspectors of the New York State Department of Agriculture. The reason for shipping in crates was to escape this condemnation."

Here it should be said that the carriers in question, the department is informed, have been again transporting young calves in the manner to which exception was taken.

The department is also in receipt of a letter from the operating department of the New York Central Lines, giving assurances of the road's desire to cooperate with the department in respect to preventing cruelty to calves in interstate commerce. The State live-stock sanitary officials are also active in their endeavor to prevent cruelty in this connection, as shown by the following quotation from a letter of the commissioner of New York State:

"We have from time to time reported the shipment of immature calves into Pennsylvania, and your inspector in charge at Hallstead, Dr. S. M. Page, has evidently condemned some of the shipments so made."

"Under date of April 15 Dr. Honck, inspector in charge at New York, advised us as follows:

"Our inspector at Hallstead, Pa., advises us that there were 33 head in the shipment, and that out of this number he passed 24 for food and condemned 9 for immaturity."

"We also have a letter from Dr. Page, under date of April 17, referring to shipment of 42 calves from George B. May, of New Berlin, N. Y., which was reported to your inspector by this office. This letter states that of the 42 calves, 1 was dead in car, 19 passed for food, and 22 were condemned for immaturity. Under these circumstances I am wondering if any further action will be brought by your bureau against these

shippers who were apparently violating interstate laws by trafficking in immature calves. From the information that we have it would appear that these shippers will continue to forward these young animals to points outside this State unless prosecution is begun against them. The simple confiscation of the shipment, or a portion of it, does not seem to have any effect in stopping the business.

"I wish you would advise if your bureau contemplates bringing action, and any assistance that this department can furnish you will be cheerfully given."

The State of New York has enacted a statute prohibiting the shipment of calves under 4 weeks old unless accompanied by their mothers, or unless shipped in crates, and then only when the calves are intended to be raised and not slaughtered. (Chap. 372, p. 933, Laws of New York, 129 Session, May 10, 1906.) On May 26, 1911, the State Legislature of Connecticut also passed a law on the same subject. The State of Massachusetts prohibits the sale for food of the carcass of any calf under 4 weeks old.

From consideration of the whole subject it is apparent that the enactment of a statute prohibiting the shipment of immature calves in interstate commerce is needed in order to prevent the excessive cruelty which is now being practised. The department is unable to recommend prosecution unless the stock are confined in transit beyond 28 hours without water, feed, or rest, or unless an attempt is made to slaughter immature calves at any packing establishment where Federal inspection is maintained. While both these statutes in respect to immature calves are being enforced rigidly by the department, it is clear that additional legislation is needed in order to prevent the cruelty which is still being practiced.

As stated, much has been and is being done by the State live-stock sanitary boards, and by the State and National humane associations. If such a statute were passed by the Federal Government, Congress would not be very far in advance of the State legislatures, as shown by the action of Massachusetts, Connecticut, and New York. Furthermore, as it is apparent from correspondence in possession of the department, large slaughterers of the country, better informed shippers, and some of the transportation companies will be in favor of a measure of this character. The attached draft of a bill on this subject has been prepared in the Department of Agriculture.

The CHAIRMAN (recognizing Mr. Benedict). You are the last speaker, and I suppose you have the floor.

Mr. BENEDICT. I would like to say that our poor humane societies are getting tapped on the head to-day. I do not believe that my old schoolmate across the table here means all that he says, but there is many a true word spoken jokingly. We have politics in this country to contend with all the time.

The CHAIRMAN. Yes; I have objected to politics myself a few times.

Mr. BENEDICT. Our societies are working entirely and absolutely outside of any political party or clique or ring. We have nothing to do with politics. We are not aligned with any religious body at all. We have just one creed, the fatherhood of God and the brotherhood of man, and that is the line along which we are working. Now, our politicians get appointments as meat inspectors, and in order to hold their positions they have got to cater to the fellows who elected them. Because they have not stopped this practice from the humanitarian standpoint, we, as members of this society, come before you gentlemen and ask you to side with us and help put down this practice, not only on account of the suffering of the poor calves, but on account of the disease and sickness and death that is being caused by this unwholesome food being placed upon the market. I thank you.

The CHAIRMAN (recognizing Mr. Murray). Give the stenographer your name and address, etc.

STATEMENT OF MR. R. H. MURRAY, FIELD SECRETARY OF THE AMERICAN HUMANE ASSOCIATION.

Mr. MURRAY. Mr. Chairman and gentlemen, Dr. Stillman, the president of the American Humane Association, fully intended to appear here and show his sympathy and express his strong indorsement of

this enactment. The burden of the agitation seems to come, in the first instance, from Dr. Rowley, but Massachusetts is not the only offender. The people of that State have been directing their efforts along this line of prevention. The Massachusetts Society is the prime mover in this work in the United States, and if like societies in other States were to take on this same phase of the effort we would find, I think, just as many violations there as in the New England States. I am directed to state the complaints have come from every State where dairy farmers pursue their calling.

Therefore, in the first case, Mr. Chairman, I wish to state that the American Association in itself, and through its officers at Albany, wish to express their cordial cooperation with and indorsation of this movement, which, if it takes the form of law, will mean an immense benefit to the suffering animals and the consumers who are affected by the sale of such meat in our markets.

In the first place, Mr. Chairman, I only lately have occupied the office of field secretary, and when I was requested by Dr. Stillman to attend this meeting and set before you the attitude of the association, I felt that I could not come without seeing the wounds that were inflicted by reason of this lack of law, and that I should therefore make a personal investigation of this cruel practice in order that I should not appear simply as an advocate of the bill without having actual experience. My attention was particularly directed to the conditions prevailing at the West Albany station. I do not want to be invidious in regard to New York State or any other State, and I use my experience simply because my attention was directed there. I assume that all the phases of cruelty which have been brought out to-day will be found in many other States, so that when I refer to this particular case at Albany I have the general situation in mind.

Now, in regard to Albany, on March 24, and I may be permitted to say that then my feelings were the same as those of anyone who has not seen the abuses, and the matter didn't appeal to me so strongly as it does now. I therefore went to the Albany station to make this investigation.

Inside one of the pens I found 4 or 5 Holstein calves piled upon each other, and all dead. Their bodies were shrunk, and it seemed to me, from a layman's standpoint, that they had been starved to death. In the same pen were 27 cows, and wandering around among those cows were 7 small calves of the same breed. I stood there watching for a while, and I saw these little calves making application to these cows for milk, but apparently the situation was that which Dr. Rowley has so well illustrated, that the cows which were sent there were not the cows to which the calves belonged. I watched them for a while, sir, and I saw one of these bob veals standing up, with his limbs just trembling, and he finally dropped over. He dropped right down in the middle of the muck and mire of that pen. I felt myself that apart from the health view of this thing, it appealed to me that no man on God's earth, no matter how careless he might be, if he was humane at all, but would feel his sentiments at once brought out by that touching sight of the poor little calf tottering and falling over dead in the pen.

Now, looking over into another pen, sir, I found two more dead calves that had been thrown there. In another pen we found "bolognas,"

so called, and "canners," of such a character that they should not be sent to market. However, that is another matter.

The CHAIRMAN. Were there no local authorities that could exercise supervision over those pens?

Mr. MURRAY. That was my first visit to the pen, Mr. Chairman, and I took immediate steps to see that the thing would be remedied. That is being done.

I stood there for about two hours and I visited the man who had the place in charge, James Horan, who is the gentleman referred to by the speaker who preceded me, Mr. Benedict. I said to him: "Mr. Horan, have those calves been trampled upon, or how did they get in that condition?" He said: "They are just like small children. They will die off." I said: "For lack of nourishment?" He said: "Well, we have got to take our chances." So I left it that way until we received word from Mr. Benedict that the calves were being shipped from Utica. I was then asked by the president of the association to investigate the case with Mr. Benedict. I think that the calves started from Utica about 11.45 the preceding day.

Mr. BENEDICT. Not from Utica, from New Berlin.

Mr. MURRAY. New Berlin, and in the ordinary course of time we expected that those calves might arrive that night. I stayed up until 12 o'clock waiting for word from Mr. Benedict, but not having word, I went to bed, and the next morning turned out at 6 o'clock, and I went out to the station feeling sure that they would have arrived then, because it was a comparatively short haul.

Mr. Benedict turned up, too, and we stayed together that day, until we received word that the calves were at a place called the "hump," outside of the Albany station. It was 6 o'clock before those little things were brought up to the chute.

Now, to digress for a moment, I might say that there were other carloads that came in. There were carloads of cows with calves. The cows were sent out with the calves into a wide pen with wide-open places in it, and not at all satisfactory. I told the man in charge that he would have to take them out of there or we would prosecute him. They did that, and remedied things, but that had been going on for a long time. One calf was picked out of a car by the attendants and carried out on two poles, and I assumed that the little thing was dead, but I went into the closed pen where it was placed and looked at it very carefully and saw that it opened its eyes and began to stir and cry. It was all covered with muck and filth, and that is what I presume it had been lying in. Around that pen were gathered—and, by the way, this is another phase of the education of children—around that pen were gathered children who were milking the cows. That little calf, while they were playing there, began to show signs of life and began to cry, and if it had been taken care of at all previously I presume it would have had a chance to live. But there it was, absolutely beyond reclaim. I spoke to the man in charge, and said: "Surely you are going to do something for the little calf." At his direction we got a man with a hammer to dispose of the little thing. Persons who are not engaged in this trade know very little about it. I consider myself to a certain degree a farmer, as I was brought up on a farm, and know what these things mean. The sight was revolting to me as well as most touching.

Well, I let that pass by; but while we were there this other car that I speak of first arrived at the chute. Previous to this we had a very cold reception—far from a cordial one from Mr. Horan, who had charge of this feeding pen. He seemed to follow us around during the day. He gave us no room, and we had to go without dinner by reason of the fact that we couldn't get anything to eat at his hotel. He seemed to resent our investigation. But it was coming on to feeding time and Mr. Horan seemed to have some difficulty in knowing how to meet the circumstances, as it afterwards turned out. We saw the men arrive there with two new buckets and three or four funnels, bright and new, with this so-called milk in them. They brought these into the pen, and you may, from your own experience, know what it is to feed a calf. I have had to feed them myself. It is quite a difficult task to put in the hands of an impatient man who has got to get through with his work in a very limited period.

When we came up to the cars, just before they unloaded the calves for feeding, these little week-old calves came to the boards and began their piteous cries. It may be that they missed their mother, but it must be assumed, and no other conclusion can be arrived at, from the fact that they were shipped at 11.45 and didn't get anything to eat until 6 o'clock that night, that they were hungry. They grabbed at our boots, and at our hands, and anything at all, with the idea that they would get some nourishment out of them. It was pitiable, sir, to see those little things call out. Some of them were so weak that they just lifted up their heads to a certain extent, indicating, as it were, a compelling force or wish which would enable them to get to this place where they might get some food.

Now, those calves were unloaded there, and four or five men, who hang around such places and will take such employment, were trying to feed them. I think that most of that stuff went on the floor, except some that I gathered into a bottle for the purpose of analysis. In addition to the buckets the attendants had funnels, as they could not feed them out of the bucket. The feeding them was a farcical compliance with the 28-hour law, or the 36-hour limit. The calves, in that respect, might as well be exempt from the provisions of the statutes which apply to all animals under the 28-hour law, because I think it can be conclusively shown that such calves can not be fed properly at any of these stations. We waited at the Albany station until the calves were sent on, and many of them were weak and unfit for further shipment.

Now, to show to you the anomaly which exists in relation to the Federal and State laws, and in response to the inquiry of the gentleman of the committee who asked for the New York statute in regard to transportation, I desire to say: The State transportation law comes within the agricultural law of New York. It is the statute, found in chapter 1 of the consolidated laws, section 106:

SEC. 106. Shipping, slaughtering and selling veal for food. No person shall slaughter or expose for sale or sell any calf or carcass of the same or any part thereof, unless it is in good healthy condition. No person shall sell or expose for sale any such calf or carcass of the same or any part thereof, except hide, unless it was, if killed, at least four weeks of age at the time of killing. No person or persons shall bring or cause to be brought into any city, town, or village any calf or carcass of the same or any part thereof for the purpose of selling, offering or exposing same for sale, unless it is in a good healthy condition; that no person or persons shall bring any such calf or carcass of the same or any part thereof, except the hide, into any city, town, or village

for the purpose of selling, offering or exposing the same for sale, unless the calf is four weeks of age, or, if killed, was four weeks of age at the time of killing: *Provided, however,* That the provisions of this section shall not apply to any calf or carcass of the same or any part thereof which is slaughtered, sold, offered or exposed for sale, for any other purpose than for food. Any person or persons exposing for sale, selling, or shipping any calf or carcass of the same will be presumed to be so exposing, selling, or shipping the said calf or carcass of the same for food. Any person or persons shipping any calf for the purpose of being raised, if the said calf is under four weeks of age, shall ship it in a crate, unless said calf is accompanied by its dam. Any person shipping calves under four weeks of age for fertilizer purposes must slaughter the said calves before so shipping. Any person or persons duly authorized by the commissioner of agriculture may examine any calf or veal offered or exposed for sale or kept with any stock of goods apparently exposed for sale, and if such calf is under four weeks of age, or the veal is from a calf killed under four weeks of age or from a calf in an unhealthy condition when killed, he may seize the same and cause it to be destroyed and disposed of in such manner as to make it impossible to be thereafter used for food.

MR. DRISCOLL. How much punishment is provided for a violation of that statute?

MR. MURRAY. I don't think they haven't said anything about that. This is only a codification of the humane laws. The penalty has not been placed in there. I couldn't say authoritatively.

Now, in relation to the old matter of transportation, as you know the agitation in the matter of the transportation of cattle began away back in 1873, when this interstate 28-hour law went into effect. Then in 1906 the agitation came on, when the shipper got the benefit of the 36-hour law. The great trouble in the transportation has been the slowness of the trains. There has been a tendency on the part of the railroad companies to sidetrack the live freight and give preference to the dead freight, which is more valuable from a freight-paying basis. You see the effect of this practice from the evidence which has been adduced here to-day by Mr. Benedict and which was mentioned by Dr. Rowley—a condition of affairs which is absolutely true in all the States where dairying is carried on and from which cattle are shipped. This case at Albany, the shipment from Utica, which is an example of the breaking of the law, is not an exception. It may be shown by this report by Mr. McCabe. He says:

One of the most persistent violators of the law is made a defendant in 122 cases. It maintained an average running time of 1.9 miles per hour for a haul of 198.5 miles to 15.6 miles per hour for a haul of 613.2 miles. The other roads maintained an average of 6.4 miles per hour in 14 cases, 11 miles per hour in 15 cases, 9.7 miles per hour in 167 cases. The average running time of stock trains in the 800 cases examined was 9.4 miles per hour.

We have got to bear in mind this fact, that these little calves are in the first place gathered up by men who are going to sell them to the butchers, and I think in the case mentioned by Mr. Benedict they bought them by the calf and not by weight. They buy the calves from the farmers, who barely give them enough nourishment to put them in a presentable condition. They are slung into a wagon, and used in a very brutal manner when being transported. Those calves, if possible, stand on their weak legs from the time the shipper buys them until the time they get to the market. The total time consumed is frequently 60 hours. Even if they did comply with the 28-hour law or the 36-hour law, there is, nevertheless, an immense amount of cruelty, not only by reason of the delay in unloading these 80 head of calves and feeding them, but by reason of the fact that these men who have charge of the calves will not and can not feed or treat

them properly. I will make the statement that I am sure there must also be graft at the feeding station, in regard to these calves. I would like to see the bills that are sent the shippers for the feed.

Mr. HAMILTON. How would it be possible to feed an unweaned calf?

Mr. MURRAY. That is the very thing I am trying to bring out, the very impossibility; and secondly, if there is any possibility of feeding them when they are under 6 weeks old or so, then that ought not to be done.

Mr. DRISCOLL. Wouldn't a calf 6 weeks old or so, who was being starved, suffer as much as a calf 6 days old, or younger than that? The calf 6 weeks old would naturally be higher developed, and suffer more from the pangs of hunger than the other one, wouldn't it?

Mr. HAMILTON. Let me make a suggestion. A calf 6 weeks old has learned to take other nourishment than milk from the mother.

Mr. DRISCOLL. I don't think a calf 6 weeks does that.

Mr. HAMILTON (interposing). It would be able to drink, at least. In some cases the calves are taken away from their mothers and taught to drink in a few days.

Mr. MURRAY. There is another element, that the younger calf will have no vitality or strength for its journey.

Mr. DRISCOLL. Yes, if it is 60 hours on the trip. If it is an older calf it will live longer and suffer more than if it is a younger calf.

Mr. MURRAY. Yes, the only thing about this as pointed out by my honorable friend, Mr. Hamilton, is that we have a chance to have the calf fed if there is a compliance with that twenty-eight hour law, but these young ones can not be fed. Therefore, the suffering is perhaps more apparent, Mr. Driscoll; but nevertheless they do suffer, and that evidence is before you.

Mr. DRISCOLL. They do suffer?

Mr. MURRAY. Yes.

Mr. DRISCOLL. My point was that if a 6-weeks-old calf was being starved it would suffer as much at least as the younger one.

Mr. MURRAY. The only thing is that the evidence of suffering is not before us, and they generally stand the journey and are likely fed.

I have to appeal to you, gentlemen, on the basis of the evidence which has been adduced, from which you can see that it necessarily follows that the calf that is carried on that journey when I believe it is in the most sensitive state, when it must be suffering the pangs of being separated from its mother, when weakness develops, and when it is compelled to stand on its feet, and when lying down it is trampled upon by the other calves—when it reaches the market it is not only in a feeble state, but its meat must be poisonous. I would submit that, as men of common sense, you can not help but come to the conclusion that the meat must be unhealthy; and even assuming that some of them arrive in a healthy state, what about the weaker calves that are taken to the slaughter houses in a dying condition?

The CHAIRMAN. Don't you think that the best thing we can do for the calf is to pass an act prohibiting the shipment in interstate commerce for beef purposes of any calf under 2 years old on foot or dressed?

Mr. MURRAY. Yes, sir; I agree with you there.

The CHAIRMAN. I will vote for that.

Mr. MURRAY. Yes; I agree with you there. That is a suggestion of an amendment for Mr. Rowley.

Mr. ROWLEY. That is too good to be true.

Mr. MURRAY. The difficulty, as you may realize in regard to the enforcement of laws passed by different States is, of course, that they will be diverse in the first place, and then there will not be the same far-reaching effect back of them. As Dr. Rowley has stated, Massachusetts is in the fore front of humane work, and that is the reason that these cases have come to light. We need an interstate law badly. The complaints to the association come from many States. Assuming that you bring up these men for cruelty, in shipping these calves, before the local courts. From my short experience with the courts it would be very difficult to secure a conviction on the ground of cruelty at the point of shipment, and it is very difficult to follow the calves up to their ultimate destination and thus prove cruelty. Let the arm of the law fall upon the person who is guilty, but let it be under the provisions of this bill which is now before the committee.

Mr. Chairman, this is a perfectly sane solution of the difficulty, namely, the prevention of shipping at that age, except in cases where they are accompanied by their mothers. In regard to the cruelty side of the matter, I may say that as a man having had a long connection with humane work, I am more interested in it from that standpoint than in the hygienic side of it, and I can not elaborate too strongly on the matter of the cruelty. If it were possible to bring you to see the evidence of this practice, I do not think one gentleman on the committee would have any difficulty in arriving at the proper conclusion. I would submit that the cruelty inflicted is such that it is debasing to the men who handle the calves and to the children at the stockyards who hang around and see the calves treated in this brutal manner. It is debasing throughout. I desire to submit that it is an act which is absolutely cruel in itself, even if you only took into consideration the suffering which must be endured by one calf. I indorse with all my might the position taken by Dr. Rowley, who is the chief spokesman to-day, and who has had this matter so very much at heart. We all come here without being briefed, and without retaining attorneys. We have given up our lives to this calling, and we feel that in presenting this matter we are doing so with entire honesty and sincerity.

There is just one matter that I would like to mention further. I understood that a hearing was to be given to another body of men which is going to present its side of the case to the committee, being representative of some agricultural society in New York. Now, I would feel that owing to the fact that Dr. Rowley and I will both be here during the week, that by the graciousness of the chairman of the committee this other body of men might be summoned this week, so that if it should present any new matter Dr. Rowley and myself would have an opportunity to reply.

The CHAIRMAN. If they try to hurt you, some of us will take care of that. I am very much obliged to you for sustaining my doctrines of a lifetime not to eat liver or veal, and I am glad you came here.

Mr. DRISCOLL. What was this case you refer to as the Albany case?

Mr. MURRAY. I refer to the same case that Mr. Benedict referred to.

Mr. ROWLEY. They were all destroyed, owing to the fact that they were under Federal inspection.

There has been a little misunderstanding. When I heard from Mr. Hamilton I understood that Mr. Melvin, the representative of the Department of Agriculture, was to present the universality of this thing, because the figures that he considered have even a greater extent—

The CHAIRMAN (interposing). He is going to put them into the record.

Mr. ROWLEY. I have corresponded with every State in the Union in regard to this matter, so that I came here, and Mr. Benedict and Mr. Murray came here, simply to give a concrete illustration applying to our own locality. That is why we haven't dwelt upon the universality, and I have felt that some members perhaps think that this is purely a local matter, and ought to be left to the local authorities to handle.

The CHAIRMAN. If you was to show that this condition existed in every State, you would not destroy the principle that each State ought to sweep its own yard. The next time you preach in Massachusetts I want you to tell them that inasmuch as Massachusetts has taken the lead, has taken such a prominent position in the world in helping to regulate different things in the country, that we will be highly gratified to learn that she has put some of these malefactors in jail.

Mr. ROWLEY. We have prosecuted a great many of them, and convicted them.

Whereupon the committee adjourned, subject to the call of the chairman.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
April 16, 1912—10.30 a. m.

The committee this day met, Hon. William Richardson (chairman pro tempore) presiding.

The CHAIRMAN. The committee will come to order. Gentlemen, the first witness to be heard will be Mr. Boshart, of Lowerville, N. Y.

STATEMENT OF C. FRED BOSHART, LOWERVILLE, N. Y.

Mr. BOSHART. Mr. Chairman and gentlemen, we have come here from New York State, not to protect any interests that may be engaged in the sale and transportation of immature veal calves. We come here because the age limit on the transportation of mature veal calves as fixed by H. R. 17222 is unjust to our dairy farmers and the farmers of every State that borders on New York.

The bill reads that any calf, unless the same is 6 weeks old or over, can not be shipped or transported from one State to another unless at all times accompanied by their mothers. That means that no veal calves can be brought into New York State from an adjoining State or Western State under 6 weeks of age. Also, no veal calves can be shipped from New York State to another State under this age limit, although there may be slaughtered and placed upon the market within the State veal calves of a younger age.

Gentlemen, you will readily see that this is not one of those measures directed toward safeguarding the health of the consuming public, but one of those statutes which is continually driving up the

cost of living. There is no line of business but what it is being attacked, and as a result the cost of living is soaring beyond the income of our common people. It is an indisputable fact that veal calves are a perfectly healthful and wholesome food at a much younger period than 6 weeks of age. Among the early customs of the people of Europe we find an old adage that a calf must be 9 days old for food. This old custom has run down through thousands of years and furnished a succulent food for a needy class.

After the calf is 9 days old—after the ninth milking—the cow's milk can be used, and I do not see why the flesh of a calf isn't good a reasonable time after that.

The CHAIRMAN. Do you believe that the calves ought to be shipped without any regard to limitation as to age?

Mr. BOSHART. I do not, Mr. Chairman. I will cover that before I finish.

The Government inspection law provides that when calves are being killed under Government inspection, the calf must be 3 weeks of age. The agricultural law of New York State prohibits the sale of any calf for food under 4 weeks of age. This limit of age in the statutes of New York was placed there at 4 weeks to make sure to catch the calf not 3 weeks old. The law of Vermont on veal calves is 4 weeks. That of Massachusetts says a veal calf must weigh 40 pounds or be 4 weeks of age. To my knowledge there is no State law that places the age of a veal calf at more than 4 weeks. The age of a veal calf up to 3 weeks can be determined quite accurately, and a reliable inspector will make but few errors. After a well-fed veal calf has reached 3 weeks of age it is difficult to say with any degree of certainty whether that calf is 4 or 5 weeks of age. It is not the size of the calf that is the indicator of its age up to 3 weeks; it is the condition of the renal fats and the development of its naval. The veal from a well-fed whole-milk calf at 4 weeks of age is more palatable and far superior to the calf 6 weeks of age and older. The size of the calf has little to do with its maturity. It is constitution and vigor that makes a prime veal. The animal with great assimilating power and strong digestive functions, even if small in size, is preferable. The medium-size calf that is a good feeder well kept makes excellent veal, even if light in weight, at 3 weeks.

Calves will vary in size according to the breed of cattle from which they come. A calf from the Channel Island breeds at birth weighs 40 to 55 pounds; an Ayrshire calf 50 to 65 pounds, and a calf from the Holsteins and other large breeds 60 to 75 pounds. The well-fed new-milk calves at 4 weeks of age average from 125 to 135 pounds live on the New York market, and last Monday brought 9¼ cents per pound. A good veal will dress away in killing about one-third, a poor calf about 40 per cent. It will readily be seen that when these 4-weeks old calves are dressed the wholesale price of the carcass will be about 15 cents per pound. When this veal is retailed from the block the price per pound will be according to the cut and is not within the reach of poor people. Each week as the calf grows and is becoming larger he is consuming more milk. A well-fed calf at 4 weeks will require about 30 pounds of milk per day; that is, about 7 quarts at each feeding.

At 5 weeks it should have 40 pounds per day. The calf would consume approximately 35 pounds per day between the age of 4 and 6

weeks. To grow the veal after the age of 4 weeks to 6 weeks is where the cost comes in. The calf consuming on the average for these 2 weeks 35 pounds of milk each day, for the 14 days it would consume 490 pounds.

This quantity of milk is worth to the dairy farmer of the State, at present prices, either for shipment to New York as liquid milk or for manufacturing purposes; that is, for butter or cheese, \$6.92. For this period between 4 and 6 weeks of age the calf would make an increased weight of about $2\frac{1}{2}$ pounds per day, showing an actual cost of making veal of about 20 cents per pound. When we add to this first cost the profit of the buyer, the transportation charges, the commission man's per cent for selling, with yet one or two other commissions, this veal grown between the age of 4 and 6 weeks would have to sell from the block for a price that would be almost prohibited, except to the very rich, if the producer, which is the dairyman, was to receive reasonable compensation for his products. In the East the veal calf is grown very different than in the West. The western veals are usually grown to a heavier weight on the by-products of the dairy, reinforced with grain feeds or fats, their gain in weight per day is only about one-half that of the whole milk feed calf. The eastern calf is fed on fresh-drawn milk and forced to maturity as rapidly as possible. It is these forced, well-fed, good-cared-for, early-maturing veals that bring the top notch on the markets at 4 weeks of age.

When the eastern prime veals are selling for 8 and 9 cents per pound live weight, the heavy western veals weighing 200 and 250 pounds sell for 5 and 6 cents per pound the same day on the same market. If you look at the veal markets of the world, you will find that the New York prices are 2 to 3 cents per pound higher than the Chicago prices; the prices on the Berlin markets are nearly 100 per cent above those at Chicago. The calves sold on the Berlin markets are whole milk fed and are undoubtedly choice; but when this veal reaches the consumer it is very expensive and no labor man's food. The veal calves of New York State are sold principally on the Sixtieth Street Market, New York, and the Jersey City stockyard market. At the Sixtieth Street Market there was sold during the year 1911 about 175,000 calves, the largest part of which come from the farms of New York; about 9,000 from Vermont, 5,000 from Pennsylvania, and 6,000 from points west of Buffalo. These figures are the calves that are sold on the stock market by commission men and do not include the many calves consigned direct to butchers and unloaded at the yards.

The receipts of calves at the Jersey stockyards are about one-half of those at Sixtieth Street, most of which come from States other than New Jersey. A great many calves are drawn across the New York State line from Pennsylvania, western Massachusetts, and Connecticut, loaded at various stations to be shipped to New York and Jersey. At the Sixtieth Street stockyards the facilities are not adequate to handle the large volume of business transacted, and it has been expected for a long time they would be removed to Jersey. I understand the New York Central people have all their plans for removing their tracks from Eleventh Avenue and only wait the approval of the city authorities.

With the removal of these railroad tracks from Eleventh Avenue, and this is only a question of a short time, with new freight terminals

built in Jersey, nearly all shipments of calves for consumption in New York City would come under this interstate-commerce act.

It is the veal calves of New York State that is hard hit by this bill under consideration on account of the large numbers that are fatted to supply the New York City market. They can be killed and sold within the State at 4 weeks of age, but when shipped to Jersey, sold, killed, and just ferried back across the river they must be 6 weeks old. Throughout the East there are a large number of small farmers who keep two, three, or four cows from which their owners receive a livelihood. These comparatively poor people live at too great a distance from milk-shipping creameries and cheese factories to dispose of their milk these ways, and generally buy small calves and grow them to veal age on whole milk a greater part of the year. Mr. Chairman, there is no condition that warrants this enactment.

If there is any person who has an honest intent to prevent sale, transportation, and offering immature veal for food, it can be done in a way so as not to strangle a legitimate trade and an incorrupt business. This enactment, if placed in the statutes of the United States, goes further than prohibiting the sale of immature veal; it prohibits the sale of matured veal across the border line of two States, or transported from one State to another. It being a fact no State having a law that places a longer age on a veal calf than 4 weeks, the Government inspection law provides that where calves are being killed under Government inspection the calf must be 3 weeks of age. These facts demonstrate and should be conclusive proof that a veal calf is of mature age for food at 3 and 4 weeks, and any further extension of age applied on interstate shipments or in their sale across the border lines of two States that does not exist in the States themselves, there is no provocation for this enactment. The small calf is the poor man's food. For thousands of years it has been used, and neither you nor myself have ever seen any great calamity caused by such usage. The calf of a reasonable age as being poisonous and unfit for food is a statement that can not be borne out by facts. This Government has been fair and just in its meat-inspection laws. They safeguard the health of its millions of consumers, and when we see their stamp on a loin of beef or any meat product it is a guaranty of purity and wholesomeness. I can not come here and say our Government inspectors have been wrong all these years when they placed their stamp of approval on the 3-weeks-old calf and it went out to be served on a million tables.

I believe that when a 3-weeks-old calf received the stamp of the meat inspector and was passed for food no better veal product could be bought on the market. The census shows New York the greatest dairy State in the Union. On her thousand hills graze the herds which return to their owners more than \$80,000,000 annually, for milk, butter, and cheese product. According to the 1900 census New York in butter production ranked second, in the manufacture of cheese she ranked first, producing nearly one-half of the entire output of the United States, and the people of New York City last year consumed milk and cream equivalent to 213,761,920 gallons of plain milk, for which the dairymen received \$16,250,000. Add to these values the entire crops of New York otherwise produced on her farms and the sum total would seem almost incredulous. Gentlemen, I fail to see any justice in an interstate law that would

permit the sale of part of the calves grown in New York State, to be consumed as food in that city, sold at Sixtieth Street at 4 weeks of age, when simply across the river in Jersey the New York State calf must be 6 weeks old to be sold for food in New York. In behalf of the dairy interests of the State I ask that this bill be amended and the age of a veal calf be fixed at 4 weeks instead of 6 weeks, and every interest will be amply protected.

The CHAIRMAN. Then you will be satisfied with the bill if it is amended so as to provide an age limit of 4 weeks?

Mr. BOSHART. Yes, sir; I would. I think that would be fair and just to all interests.

The CHAIRMAN. This bill provides for a six weeks' limit?

Mr. BOSHART. That is where we differ.

Mr. HAMILTON. I will state to the committee that I shall want to ask to amend my bill, or perhaps to reintroduce it, with a proviso in it that the Secretary of Agriculture may make rules and regulations permitting the shipment of calves less than 6 weeks old, to wit, that the Secretary of Agriculture may also permit under such regulations as he may deem proper the shipment in interstate commerce of live calves less than 6 weeks old and more than 3 weeks old, when the entire time consumed in such interstate shipment from the beginning to the final destination does not exceed 10 hours. Such a proviso has been suggested by the Agricultural Department.

Mr. SIMS. What is meant by "one shipment?"

Mr. HAMILTON. That it is one shipment. I have a letter here——

Mr. STEVENS. Should the word "continuous" be included there?

Mr. HAMILTON. The Solicitor for the Agricultural Department suggests a proviso regarding a 10-hour shipment to be allowed by the Secretary, carefully guarded, and including the entire time in transit to destination. There is somewhere an explanation of that. The time suggested is limited to 10 hours.

Mr. DRISCOLL. Now, Mr. Hamilton, can't we agree on four weeks and not take any more time here? I do not think that anybody will ask for a higher age limit really on the merits. Can't we agree here on four weeks, and not consume any more time in this matter?

Mr. HAMILTON. I want to ask this gentleman a few questions, but perhaps it isn't important to do that.

Mr. DRISCOLL. A man who comes up as fair as he is, and wants to do what is fair.

Mr. BOSHART. We are here to protect an honest and legitimate industry.

Mr. HAMILTON. The primary purpose of this bill was to prevent, I will say (and I think every member of the committee who has heard the testimony understands it), the cruel and inhuman practice which has grown up of taking calves less than 1 week old, as shown by the testimony, and often as young as a day, and shipping them to Boston, for illustration—that is generally the objective point. Many of them die en route, and some of them arrive at their destination with their stomachs as dry as a powderhorn. The Federal inspection, as this gentleman has said, is recognized to be good and adequate, but the local inspection of Massachusetts is understood to be defective. These calves are consigned under the law of New York for, I have forgotten the term, for agricultural purposes, for farming purposes to Richard Roe or John Doe.

Mr. DRISCOLL. For breeding purposes?

Mr. HAMILTON. For breeding purposes; but, as a matter of fact, John Doe, or Richard Roe, is a butcher, and the calves pass inspection, and the livers are sold for about 60 cents and the sweetbreads for something like that, and the hides for something, and the carcasses are then boned and sold for chicken. The testimony is that the meat is unfit for human consumption, and it has produced ptomaine poison, it is said, in some instances. This abuse is not trivial, but runs up into the hundreds of thousands. That is what this bill was introduced to reach.

The CHAIRMAN. The bill, as I understood it, reading it casually, didn't have just a single purpose, but was aimed also at the humanitarian side of it?

Mr. HAMILTON. Yes; the humanitarian side.

The CHAIRMAN. As I understand it, the calves are shipped sometimes before they can hardly drink water?

Mr. HAMILTON. The testimony is that most of them are shipped before they are taught to drink. I want to ask this gentleman, because he is an expert, not in any way to embarrass, but simply to throw light on this matter, what is your occupation?

Mr. BOSHART. A farmer.

Mr. HAMILTON. Where do you live?

Mr. BOSHART. Lowerville, N. Y.

Mr. HAMILTON. Are you engaged in the dairying business?

Mr. BOSHART. I am.

Mr. HAMILTON. What is the custom in your country about teaching calves to drink, to take food other than the milk from the mother?

Mr. BOSHART. In a few days, and sometimes right after they are born, we begin to feed them.

Mr. HAMILTON. What is the custom, generally?

Mr. BOSHART. I think it is.

Mr. HAMILTON. That is the custom?

Mr. BOSHART. It is the general custom.

Mr. HAMILTON. What is the custom about selling calves for shipment, as to age?

Mr. BOSHART. Four weeks of age.

Mr. HAMILTON. Do you know that the dairymen sell them frequently at a younger age than that?

Mr. BOSHART. I am not here to argue anything about the immaturity, this so-called immature bob veal.

Mr. HAMILTON. You do not defend that?

Mr. BOSHART. I won't defend that in any way. I am here to defend an honest industry that not only exists in New York State, but in every State surrounding it.

The CHAIRMAN. You are here for the purpose of giving any information that any member of the committee may ask for that you are able to give.

Mr. BOSHART. I am. I will answer that in full. For four years I was chairman of the committee of agriculture of the New York State Assembly. I have heard this veal question thrashed out on all sides. These same gentlemen came to me with this proposition to prevent the shipment of calves from New York State into Massachusetts.

Mr. HAMILTON. You mean by these gentlemen, Dr. Stillman—

Mr. BOSHART. I do not know who these gentlemen were, but gentlemen did come to me on this proposition. I said to them that we

had a law in the State of New York fixing the age of veal calves at four weeks, and it is costing our State a large amount of money to safeguard that veal product to the consumer. New York State is spending annually from one million dollars to a million and a half for agricultural purposes, and I didn't think that we were warranted in involving the police power of the State in seizing a product that went into the State of Massachusetts. I thought that was up to her State legislature, and her officers to protect, the same as we do in the State of New York. I know this traffic has gone on, and I am not here to defend it. I am against it.

Mr. HAMILTON. I am glad to hear you say that.

Mr. BOSHAERT. They are virtually helpless in the State of Massachusetts to stop the transportation of these immature calves. I will tell you just what it is.

Mr. DRISCOLL. Why is that?

Mr. BOSHAERT. I do not know much about those conditions, but the bill is all right if it will stop it. It should stop it, and if you people here in Washington deem it proper that that system should be stopped, you will stop it, and you will stop every bit of it with the four weeks' limitation law on the statute books.

Mr. HAMILTON. Now, if you take the calf away from its mother, and it has not yet learned to take food other than the milk from its mother, it is obvious that there must be great cruelty in shipping it.

Mr. BOSHAERT. I do know of instances where shippers claimed that they put cans of milk in the cars, and got warm water from the engine with which to warm that milk so as to have it of a proper temperature to feed to the calves. I am told that they did it. I do not know whether it is done or not.

Mr. HAMILTON. That would be a pretty cruel thing. An engine-fed calf.

Mr. BOSHAERT. They have milk in the car, and they take warm water from the engine and put it into the cans to bring the milk up to the temperature that the calf will take it.

Mr. HAMILTON. The fact is this, as has been testified here, that they take condensed milk—

Mr. BOSHAERT. Condensed milk—no.

Mr. HAMILTON. Yes; and water it, and then the testimony is that where they have been watched, they appear on the scene with a funnel, and poke it into the calves' mouths, and try to make the poor little things take food in that way.

Mr. BOSHAERT. That is immature veal, that I am not discussing here at all, because I will not stand for it.

Mr. HAMILTON. I guess we are pretty near together.

Mr. DRISCOLL. Make it four weeks, and let us close the matter up.

Mr. STEVENS. Maybe Brother Smith has got something to say about that.

Mr. ESCH. In view of the fact that there are so many witnesses that have come such long distances, I think we ought to extend them the courtesy of a hearing. It may give us some suggestions.

STATEMENT OF W. H. VARY.

Mr. VARY. Mr. Chairman and gentlemen of the committee, Mr. Boshart has covered the ground pretty well. I do not believe that I ought to take very much of your time, but, of course, I represent a

large interest, being master of the New York State Grange, with 100,000 members, composed of people who are engaged in agriculture. I am also empowered to speak for the commissioner of agriculture of the State of New York, and I have a telegram here which any of you can read, that reached me before I came here, signed by the commissioner, saying that he could not be here, and I think it would be well for you to have that.

Mr. STEVENS. Put it into the record. Read it yourself.

Mr. VARY. Very well.

The CHAIRMAN. Who is that telegram from?

Mr. VARY. From Calvin J. Husson, commissioner of agriculture of the State of New York.

ALBANY, N. Y., April 15, 1912.

W. H. VARY, Washington, D. C.:

Unable on account of other engagement to be present at the hearing to-morrow on House bill 17222, in relation to veal calves. We are opposed to the bill unless age limit is reduced to four weeks, as uniformity in this limit is desirable. Four weeks I believe to be a proper limit.

CALVIN J. HUSSON.

The CHAIRMAN. He says that uniformity is one of the objects to be desired. Is that it? Would a provision of four weeks make for more uniformity than a provision for six weeks?

Mr. VARY. To conform with the laws of our State, and also the State of Vermont, and some others. That is the way I understand it.

Now, so far as I know, none of the men who are here with me stand for shipping immature veal. We are against it, but we do believe that veals are mature and fit for food, and that they are at the same time better veals at 4 weeks of age than they are at 6. If you keep them longer than that they are expensive. That is, they take as much milk, or practically as much, for the last two weeks as they will for the other four, so that there must be a loss without any advantage in the quality of meat, in my judgment and from my observation.

Mr. SIMS. How old does a calf have to be before it can live upon other foods except milk from the mother?

Mr. VARY. Well, they will begin to eat hay at 2 or 3 weeks of age and eat some grain, but that is pretty young, and all calves would not do that.

Mr. SIMS. I am asking you how old on the average a calf must be in order to live without using milk in some way with other foods?

Mr. VARY. They do raise them without milk at all after the first few days.

Mr. SIMS. You still have not answered my question. I mean under reasonable, ordinary, and natural conditions?

Mr. VARY. They don't eat much hay until after they are 3 weeks old.

Mr. SIMS. How old would they have to be before they could live without milk consumption of any kind?

Mr. VARY. After 3 weeks old, but I do not think they would do very well.

Mr. SIMS. They could be kept on the farm and grown up into cattle, without being made veal of at all after they have passed 4 weeks of age?

Mr. VARY. Yes, sir; that is true.

Mr. SIMS. In view of the scarcity of meat and the prevailing high prices of meat, wouldn't it be a good policy to raise these calves who

are 1, or 2 or 3 weeks old instead of sending them off to market, so that they could be used in the future?

Mr. VARY. I do not know about that, I am sure.

Mr. SIMS. In other words, wouldn't it be a good policy to stop killing this veal at all?

Mr. VARY. It might be under some circumstances; but it would take away pretty good living, and our consumers would hardly like that.

Mr. SIMS. Ultimately the consumer would be benefited by reason of having a larger supply of meat?

Mr. VARY. They could not all be kept on the farm.

Mr. STEVENS. You do not think that ought to be done at your expense, I presume?

Mr. VARY. No.

Mr. SIMS. Looking at it in a broad sense, and not simply from the standpoint of the individual, the owner of the calves?

The CHAIRMAN. Isn't it a fact, from your observation, practically, that the older the calf gets, the nearer it gets to the weaning day, that the more milk is left with the mother for the purpose of human consumption?

Mr. VARY. The calf consumes more milk as time goes on.

The CHAIRMAN. Yes. As the calf grows older, does he leave more milk with the mother to be used for other purposes?

Mr. VARY. Not in my experience with them. One cow will not supply a calf of four weeks, unless it is a cow out of the ordinary.

The CHAIRMAN. When the calf is very young you do not give all of the milk of the mother to the calf, do you?

Mr. VARY. Not the first week or two.

The CHAIRMAN. What do you do with the balance of it?

Mr. VARY. A good many that follow that business have smaller calves coming along to take that balance—to take the place of those that become weaned off, until they become of proper age, unless it is desirable to use the cream for the manufacture of butter. That depends upon the situation somewhat.

Mr. HAMILTON. I know that conditions differ in various parts of the country. I live in Michigan. In my part of the country it is customary to take a calf from its mother when it is first dropped—that is, put it into an inclosure by itself, and at night, when the cows come in, turn the cows in with the calves, and let the calves take the milk from their mothers; but they do not let the calves follow the mothers in pasture. Then, in a few days they begin to teach the calf how to drink. This gentleman is speaking of the practice in his country. I am speaking of the way they do it in my locality. They teach the calf then how to drink, and by and by they give it skimmed milk. Am I right about that—

Mr. VARY. It depends upon the purpose—not for veal purposes.

Mr. HAMILTON. I am not talking about veal. I am talking about the custom. Whether they shall raise the calf or not. I don't think they give it all of the mother's milk. They teach the calf to drink after a little, and by and by the calf gets so that it can drink out of a bucket of milk, and that milk is not the milk as it comes from the mother, but it is diluted with skimmed milk, and maybe, after a while, entirely skimmed milk. Now, how is it with you?

Mr. VARY. Skimmed milk does not make prime veal. You can not make prime veal from skimmed milk.

Mr. HAMILTON. But you are not raising the calf for veal, primarily.

Mr. VARY. Yes, sir; in some sections, if they are near a milk station or a creamery, and the milk largely goes there.

Mr. HAMILTON. Isn't it customary in certain parts of your State, as well as other States—this practice isn't confined to one State—to let the cow have the calf primarily for the production of milk, the object being to get rid of the calf as soon as possible?

Mr. VARY. The sooner you can get rid of the calf under those circumstances the more profit there is in it.

Mr. HAMILTON. Isn't it true that in many parts of the country they sell the calf very soon, because the calf is in the way, and what they want the cow for is to have a supply of milk?

Mr. VARY. That is in different sections some do that.

Mr. HAMILTON. Isn't it from that very custom that this cruel custom of shipping immature calves arises?

Mr. VARY. I am not defending that custom at all. That may be. We are against the shipment of immature calves. We are always against it. I speak for the New York State Grange, and also for the department of agriculture in our State. We are against that, and favorable to any reasonable proposition that tends to do away with it. All we ask is that you fix the age limit at 4 weeks instead of 6, and we will be perfectly satisfied.

Mr. SIMS. How would you like to have it made one year instead of either? That is, in order to be shipped for slaughter, provide that no beef of any animal under 1 year old can be shipped for such purposes?

Mr. VARY. We would not have any veal then.

Mr. SIMS. Wouldn't the country be better off without veal?

Mr. VARY. No; I can't say that I think it would.

Mr. SIMS. It is inferior meat that nobody wants if they can pay for any other.

Mr. VARY. No; that is not true. I like it if it is right.

Mr. HAMILTON. Supposing you had 50 calves, all of them 3 weeks old, en route for New York, how long could those calves be on the road without cruelty to the calf?

Mr. VARY. Well, I do not know. When they run with the mother, they go from 12 to 14 hours without eating.

Mr. HAMILTON. That is where they are confined in a comfortable inclosure, and not subjected to the wear and tear of travel?

Mr. VARY. They get them there as soon as possible.

Mr. HAMILTON. How would you feed them, say a 3-weeks-old calf?

Mr. VARY. It would be quite a job to feed a carload.

Mr. HAMILTON. You couldn't do it, could you?

Mr. VARY. It could be done, yes.

Mr. HAMILTON. Then it comes to this: When you start out to ship a carload of calves you must assume that they can not be fed en route, or at any time until slaughtered?

Mr. VARY. I should think they might be.

Mr. HAMILTON. We want to get at the exact facts about this. These gentlemen want to tell them, I have no doubt about that. We have got this matter under consideration, and we are all human, and we all want to accomplish the same purpose, I assume, from what you gentlemen have said. These calves, from the time they leave the

farm to the time they are slaughtered, go practically without food. That is about it. Now, the question arises how old those calves should be before they are started.

Mr. VARY. I think calves 4 weeks old will stand the shipment practically as well as those which are older. If they have hay where they can get to it, or some other feed, why they will take it.

Mr. HAMILTON. I want your best judgment on this, because we want to get the facts.

Mr. ESCH. Has your State law any limitation as to the time of transit of veal-calf shipments?

Mr. VARY. The length of time on the road?

Mr. ESCH. Yes.

Mr. VARY. I think there is. I can not tell.

Mr. BOUSSARD. There is a time limit. The distance is 154 miles from Albany, and all calves shipped to my town for New York, 4 weeks of age, have to be unloaded and fed at Albany, as I understand the law.

Mr. CURTIS. If they are over the limit of the humane law, they are unloaded, if they could make it or not?

The CHAIRMAN. You say the 4-week limit?

Mr. VARY. Yes, sir; that is the age limit in Vermont and Massachusetts, and 3 weeks is the age limit in New Jersey.

Mr. ESCH. Do you apply the Federal 28-hour law to your intra-state shipments? Have you a similar provision in your State law?

Mr. VARY. I am not positive as to that.

Mr. BOUSSARD. The law in New York is 24 hours, and after that time limit is exceeded they have to be unloaded at the next unloading point. They are taken off by the Government and fed and watered and cared for.

Mr. CULLOP. I would like to ask the witness a question. Your desire for the 4-week limitation is more because it will conform with your State law than it is out of consideration for the age of the calf?

Mr. VARY. Not particularly that, but it would be well if they could be uniform laws, the law of the United States and the State law, knowing that our position is just this, that a calf of 4 weeks will stand the shipment. He is perfectly fit for food; just as much so as he will be at the age of 6 weeks, because the keeping of that calf for an extra two weeks will return practically nothing to the farmer. He increases in size, and it takes an immense amount of milk to do that. And the price, I am informed by a man who handles them in New York, is from 2 to 3 cents per pound less for the heavyweights than for the calves that are of a weight from 135 to 150 pounds, which seems to be the proper weight for prime veal.

Mr. CULLOP. What is the weight of the average calf at 4 weeks of age?

Mr. VARY. I think from 135 to 150 pounds; somewhere about that.

The CHAIRMAN. What is the length of time, did you say, it takes the average calf to reach the weight of 100 to 125 pounds?

Mr. VARY. One hundred and twenty-five pounds?

The CHAIRMAN. Yes.

Mr. VARY. That would depend a good deal upon the kind of animal it was.

The CHAIRMAN. I am just talking to you about the average calf.

Mr. VARY. In four weeks' time?

The CHAIRMAN. Yes.

Mr. VARY. One hundred and twenty-five pounds, and some would be larger than that, but perhaps that would be a fair average.

Mr. HAMILTON. It would depend upon the breed?

Mr. VARY. Yes; it would depend upon the breed. Some calves weigh 100 pounds at birth, but that is rare.

Mr. SIMS. In order to reach this matter without discrimination, so that it will reach the proper parties in the State, why not put a Federal tax on the slaughter of all cattle under 1 year old, making it \$10?

Mr. BOSHART. Put just as much tax on it as you want; we will stand for it. And let the consumer stand it.

Mr. VARY. I guess I have covered everything.

Mr. ESCH. In the administration of your four-weeks law in New York have you found any difficulty, as a practical proposition, in determining the age of a calf?

Mr. VARY. When it is between 3 and 4 weeks of age, probably it is a hard matter, but you can tell pretty near.

Mr. STEVENS. Is there much difference between 4 and 6 weeks?

Mr. VARY. No, sir.

Mr. STEVENS. Is there much difficulty to tell the difference between a calf 4 weeks of age and a calf 6 weeks of age?

Mr. VARY. Well, it would be larger, of course, considerably larger, if it is 6 weeks old than if it is 4, provided it had plenty of milk, but it takes an awful lot—if you do not scrimp them.

Mr. STEVENS. Would that be the tendency to do that among the farmers—to scrimp them?

Mr. VARY. It would not fatten them at all. Couldn't do it.

Mr. STEVENS. So that the veal on that account would not be any good?

Mr. VARY. Yes; they could not do it.

Mr. HAMILTON. You say you have a 4 weeks' age limit in New York; does that law also require when you ship these calves 4 weeks of age, that they shall be accompanied by their mothers?

Mr. VARY. No, sir.

The CHAIRMAN. Doesn't it require that they shall be only a certain number of hours in transit, and then taken off and rested?

Mr. VARY. Yes, sir.

The CHAIRMAN. What is that limit?

Mr. VARY. I think 24 hours.

The CHAIRMAN. Then they have to take them off every 24 hours, and rest them how long?

Mr. VARY. I do not know.

The CHAIRMAN. And take care of them and put them back and send them to the market. Is that what you want done in this law, too?

Mr. VARY. Yes, sir; that is all right.

The CHAIRMAN. This bill?

Mr. VARY. Yes, sir.

Mr. HAMILTON. Has the calf been taught to drink or eat, or to take feed of any kind, excepting from its mother, at the age of 4 weeks?

Mr. VARY. A good many do; yes.

Mr. HAMILTON. What is the practice up there? You say you ship them without having them accompanied by their mothers; how do you expect them to take nourishment on the way?

Mr. VARY. A large number of these veals are not allowed to run with their mothers at all; they are taught to drink when they are a day or two old, or 2 or 3 days old, and fed in that way instead of with the mother.

Mr. HAMILTON. Is that reasonably true in all cases?

Mr. VARY. Yes, I think it is.

Mr. HAMILTON. And they are fed then, on the way, and the milk is shipped with them?

Mr. VARY. Yes, sir.

I guess that is all.

STATEMENT OF MR. GEORGE H. COBB, WATERTOWN, N. Y., EX-LIEUTENANT GOVERNOR OF THE STATE OF NEW YORK.

The CHAIRMAN. Give the stenographer your name, location and business.

Mr. COBB. George H. Cobb, Watertown, N. Y., at present representing the thirty-fifth senatorial district of the State, and a lawyer by profession.

The CHAIRMAN. A lawyer by profession?

Mr. COBB. Yes, sir. I represent one of the largest agricultural senatorial districts in the State of New York, a part of it includes Congressman Mott's district, and my district adjoins that of Congressman Driscoll, and he can testify as to the importance of the district in an agricultural way.

Now, I came here to represent the farmers of my district, and of other portions of the State, particularly in northern New York. We are deeply interested in this subject, because it strikes a vital industry of this section. I was in the State senate for eight years, and representing an agricultural district, I was interested in this veal proposition. We used to have a three weeks' law in accordance with the Federal regulations, and it was charged that some cruelty existed, that in some cases veal was shipped which was immature, and together with others I was instrumental in raising the requirement of that law to four weeks.

There is no State in the Union, with all due respect to the other States, that has taken a more advanced and progressive stand upon this subject—upon the protection of a food product—than New York State has. It is true that some humane societies claim that immature veals are shipped into Boston. If they are it is an illegal shipment, and it is done in contravention and in violation of the law and in violation of the most rigid inspection that our State has been able to enforce. The responsibility rests upon the State of Massachusetts largely. We prosecute them when we catch them in our State, and we prosecute them vigorously. We have had Mr. Pearson, commissioner of agriculture—formerly connected with this department of agriculture, and for many years at the head of our department, one of the most progressive and efficient men in the country in his line—in charge of this work.

Mr. HAMILTON. What is your information as to the prevalence of this sort of shipments into the State of Massachusetts?

Mr. COBB. They are not so very prevalent.

Mr. HAMILTON. It has been testified here that they are.

Mr. COBB. You can get men interested in humane societies, and I respect them, and I am connected with them, but their one idea,

the minute they see a shipment of calves where one calf has died, is that it is a cruel thing. It is a cruel thing to stick a knife into the throat of a pig, from the pig's standpoint, but men in northern New York or in other parts of the country who are shipping calves to Boston or any other part, where they are dying in transit, are losing the purchase price, in addition to the sale of the product. The great majority of the men in the State interested in this industry are engaged in a legitimate and a wholesome business. They seek and desire to conform to this 4 weeks' law.

New York City is peculiarly situated. It is the market of the East. Everything is centering in there. You can't get anything into New York, except over one part of the New York Central, without it is interstate traffic. The West Shore, which runs from the northern part of the State down, has its terminal at Hoboken. When you ship from western New York, you have got to cut across a corner of Pennsylvania, and there you have got interstate traffic. These various States, with the exception of New Jersey, have fought in a progressive way to get a uniform law, a 4 weeks' law, not for the purpose of making it uniform, but because they believe, and they know by Dr. Wiley's evidence and by the evidence of the best experts in the world, that a calf 3 weeks old is good food and fit for the market, but they have made it 4 weeks, so as to be absolutely sure about it. In practical operation, the calf is 5 weeks old when he gets there, because very often these shipments are made on Saturday of each week, and it very often happens that the calf is 4 weeks on the Sunday following. Consequently, it has to be kept until the following week before it can be shipped. So that in practical operation the calves that go on to New York markets are nearer 5 weeks old than they are 4 weeks of age.

Mr. HAMILTON. You think they are about one week on the road?

Mr. COBB. No; but they arrive in the yards, and it depends on the market whether they are slaughtered. Some days they keep them, and sometimes they feed them for two or three days.

Mr. HAMILTON. What do they feed them on?

Mr. COBB. On milk and gruels, and in some cases on bran.

Mr. HAMILTON. Did you ever see them do it?

Mr. COBB. Yes, sir; I have seen them. I went to New York and went to these yards to investigate these alleged cruelties, and no man has got a softer heart than I have on the subject of cruelty to animals or anybody else, and I found out that there was a good deal of misstatement with reference to this proposition.

The CHAIRMAN. A great deal more sentimentality than fact?

Mr. COBB. Yes, sir. You know the average man is honest and is trying to do what is right. There are men who seek to violate the law, and we catch them and punish them. It may be that a few escape, but as a general proposition they are engaged in an honest and legitimate business.

Mr. GOEKE. In your opinion, if every State would have stringent laws against these practices complained of as New York has and enforced them properly, would there be any necessity for a Federal law on this subject?

Mr. COBB. Not at all. Every State has a law against cruelty to animals, and every State that I know of has a law to regulate the shipment of animals on railroads. They are humane laws, they are continually being agitated and passed, and they are proper.

Mr. HAMILTON. You are a lawyer, and you would know how this state of affairs would work out, but it has been testified here by reputable gentlemen before this committee that calves are shipped out of New York and consigned to some one, say in Massachusetts, for breeding purposes. Of course, I take it, under your New York law you could not interfere with such a shipment, but would be required to presume that these calves were destined for breeding purposes, would you not?

Mr. COBB. We can if there was any cruelty in the manner of shipment.

Mr. HAMILTON. Yes, you could, certainly; but we will assume that you have not observed any cruelty. Now, when those calves—it has been testified—when those calves reach their destination in Massachusetts, the consignee is not a farmer or a stockraiser, but a butcher, and he takes the calves and butchers them, and the calves, it has been testified, so shipped are frequently calves not a week old!

Mr. COBB. Now, Congressman, do you believe that?

Mr. HAMILTON. I believe Dr. Rowley, and I believe Mr. Stillman.

Mr. COBB. I have never seen one instance of that kind.

Mr. HAMILTON. Dr. Rowley testified that he has found many of them.

Mr. COBB. I wish you would ask Dr. Rowley to give the name of the shipper who shipped any cattle of that kind.

The CHAIRMAN. Can you name any State in the Union that has not got a law prohibiting cruelty to animals?

Mr. COBB. Not a State. I do not think there is a Territory even, without such a law.

The CHAIRMAN. Just following along the same line of States legislating and regulating the matter of pure foods?

Mr. COBB. Exactly.

The CHAIRMAN. Don't you think the States are competent and enabled to do that thing, and to do it efficiently?

Mr. COBB. Absolutely. We are all able to take care of ourselves, in our own locality, and we are interested in doing it.

The CHAIRMAN. You punish the violators?

Mr. COBB. Yes, sir.

Mr. HAMLIN. I got the impression, from some testimony given before this committee on another occasion that there were men engaged in this traffic—I think not the men who own the calves—the farmers and the dairymen—but buyers who go out to the country and buy up these calves, and speculate with them, and ship them: is that true?

Mr. COBB. That is true.

Mr. HAMLIN. How can you say that the very thing Mr. Hamilton called your attention to does not exist? These buyers go among farmers and buy calves under three weeks of age, and the farmer can sell them to him, can't he?

Mr. COBB. He can.

Mr. HAMLIN. There is no law to prevent it?

Mr. COBB. He can sell it to him.

Mr. HAMLIN. If these speculators, then, pretend to ship that calf for breeding purposes, there is no law to prevent them, is there?

Mr. COBB. He ought to ship if for breeding purposes.

Mr. HAMLIN. The evidence is that they do not do that, but consign them to some little butcher in Boston, and they are butchered

there for food, and that any number of them are handled in that way. The farmers are not doing that, I didn't get that idea, but these speculators, who go out and buy them up and ship them, are doing that.

Mr. COBB. But they are violating the law every minute they are in that transaction. They are violating the law when they put them on the railroad, and violating the law along the route in transit, and they are violating the law when they get into Massachusetts, and that is where the Massachusetts authorities should act right there, because, take a calf, you can demonstrate absolutely whether a calf is three weeks of age by the condition of his navel. It doesn't heal up until that time. They can prosecute the merchant and the shipper. That is where they prosecute them in New York. When an inspector in New York sees these calves where their navel is not healed up, it is almost conclusive proof that they are under three weeks of age, and they have a right to seize them, take them.

The CHAIRMAN. Isn't it a fact that, from a financial standpoint, the State of New York is more interested in the subject of this bill than any one State in the Union?

Mr. COBB. Very greatly; there is not any question about it.

The CHAIRMAN. And it will watch its own interest?

Mr. COBB. Yes, sir; that is what we are here trying to do; but, of course, if this six weeks' limitation is put in there, it absolutely destroys that branch of the business.

Mr. SIMS. What business?

Mr. COBB. Let me say to the Congressman from Tennessee (Mr. Sims)—let me answer the question he asked with reference to raising calves until they get to be a year old. We are not so well supplied with land as they are in the South, and we can not afford to raise cattle there.

Mr. SIMS. But you can send your calves to where lands are cheap?

Mr. COBB. We would have to ship them to Texas or Tennessee or some other State.

Mr. SIMS. Certainly; then they can be raised until they become of mature age, and then they can be killed and the consumer will be benefited.

Mr. COBB. I would like to see the cattle industry developed. We ship milk to New York, and there is a great demand for milk from all over New York. From where I live, 325 miles, we ship milk to New York City to be consumed there in its liquid form.

Mr. CULLOP. The industry, then, is more profitable as a dairying industry than as a breeding industry?

Mr. COBB. Yes, sir.

Mr. CULLOP. Very much more so?

Mr. COBB. Yes, sir.

Mr. CULLOP. Wouldn't it pay the farmers to knock a calf in the head the minute it is born and sell the hide and other products?

Mr. COBB. That is what he will have to do, and sell the hide, if the six weeks regulation is enforced.

Mr. SIMS. It is the dollar then, with him, more than the sentiment?

Mr. COBB. We are chuck full of sentiment, Congressman. You can not beat us in Tennessee on that.

Mr. CULLOP. Is not the butter and milk as much in demand as the meat?

Mr. COBB. More.

Mr. SIMS. What is the great incentive to dispose of the calf the very first opportunity, if it is only a week old?

Mr. COBB. A great many farmers kill the calf and sell the hide.

Mr. SIMS. If a fellow comes along and gives them a fairly good price——

Mr. COBB. They know that is a violation of law. They are not crooked. If a farmer sells a calf 2 or 3 days old to one of these buyers, knowing that it is going to be shipped, he is morally guilty, if not legally so.

Mr. STEVENS. Can you convict a man under the laws of the State of New York for a moral violation if it is not a legal violation?

Mr. COBB. For any violation of the statutes.

Mr. STEVENS. Doesn't the statute of New York provide that immature calves can be shipped for breeding purposes, and isn't that the law?

Mr. COBB. It provides that if it is accompanied by its dam it can be shipped for breeding purposes.

Mr. CULLOP. But it failed to provide that it would be a violation of law to ship it for breeding purposes? There is failure to provide in that respect, is there not?

Mr. COBB. It is covered by a permission to ship a calf with its mother.

Mr. STEVENS. Yes; but it has been testified before this committee that calves were shipped with the other cows. Now, in what way can you prove, in the ordinary course of shipping hundreds of cows, that the calf is not being shipped with its mother when it is accompanied by a cow?

Mr. COBB. If it is accompanied by a new milch cow?

Mr. STEVENS. That is a different proposition. With your inspectors, do you know whether the calf is with a new milch cow?

Mr. COBB. They do in New York State.

Mr. STEVENS. The charge is that they do not. That is the testimony before this committee.

Mr. COBB. Not in New York State?

Mr. STEVENS. Yes; in New York State.

Mr. COBB. They are shipped from New York State to Boston.

Mr. STEVENS. The charge is that the shipment originated with the immature calf being accompanied by an old cow.

Mr. ESCH. A canner.

Mr. STEVENS. Yes.

Mr. COVINGTON. How long have you had in force in New York the four weeks' law?

Mr. COBB. I can't tell you—several years.

Mr. COVINGTON. It has been several years, has it not?

Mr. COBB. Yes, sir.

Mr. COVINGTON. Since the enactment of that statute, in line with what Mr. Stevens has just said, have you actually known of any prosecutions in the State of New York for the shipment of cows, as referred to, into the State of Massachusetts and other States by the State authorities of New York?

Mr. COBB. Not for the shipment, but for the cruelty involved in it. Seizures have been involved in it quite frequently. The calves from New York that go to Boston come through Albany, and our department of agriculture has inspectors there, and if there is any indication

of cruelty they seize them. Of course, if they are being shipped in accordance with the law and there is no cruelty involved, the State has no authority.

Mr. COVINGTON. Then, in the absence of actual cruelty, the presence of a 2 weeks' old calf alongside of the cow would not incite the suspicion on the part of the inspector to prompt him to say that the calf was not being shipped with its dam for breeding purposes?

Mr. COBB. If it was a new milch cow.

Mr. CALDWELL. Have you had any charges of cruelty with reference to these shipments—have you ever heard any criticism on these shipments which come into New York?

Mr. COBB. Not in late years. Our inspectors are continually on guard as to these shipments, and they make seizures and they have—I do not know of any suits going on now, but I have no doubt that there are suits pending, and I have prosecuted suits instituted by the commissioner of agriculture for the shipment of calves, but very often a disagreement arises as to age, and it will be a little calf, and the inspector will be mistaken. But they have got the age proposition now where there isn't much question about it. They can tell by the condition of the navel.

I do not want to take up your time. We took this matter up with Secretary Wilson and he authorized us to state that, in his opinion, 4 weeks was a proper age.

Mr. HAMILTON. That is an important statement. You say that Secretary Wilson personally told your committee that 4 weeks was a proper age? I will state to you that the bill as I have introduced it, was framed by the solicitor for the Agricultural Department, in cooperation with Secretary Wilson and Dr. Melvin, Chief of the Bureau of Animal Industry. That is exactly the reason why I was unable——

Mr. COBB. Let me explain that to you. The Secretary sent out and got this correspondence with the chairman of this committee, in which the chairman submitted this bill to him and, I assume, asked his opinion. He didn't mention the contents of the chairman's letter, and he read us the letter which he gave in reply, which referred to these abuses, and said that he desired to stop them as much as he could; but he didn't, he said, give his approval to anything except the purpose of the bill. He said he didn't understand that there was a six weeks' limitation. He said that his experience as a farmer and his knowledge of calves impressed him that 4 weeks was the proper age.

Mr. STEVENS. Dr. Melvin didn't say anything about that?

Mr. COBB. Dr. Melvin was not there yesterday.

Mr. HAMILTON. And yet I asked the Secretary of Agriculture if he would detail Dr. Melvin to come before the committee, and he came before the committee in behalf of this bill, in which he participated in drafting.

Mr. COBB. Yes, and the Doctor was trying to prevent a cruelty, just as you want to prevent it, and just as we do; and I do not believe the Doctor understood the serious effect it would have on a legitimate trade going into New York.

Mr. HAMILTON. I was just trying to find out what Secretary Wilson actually wants.

Mr. COBB. Secretary Wilson wants to stop the cruelty. There is no doubt about that; but with reference to that four-weeks proposition, if you will read the Secretary's letter, he does not express any approval of any four-weeks or six-weeks proposition. He did tell us that four weeks was about right.

Mr. HAMILTON. You are a very able lawyer, I should judge.

Mr. COBB. Not very.

Mr. HAMILTON. I want to call your attention to a proviso which I want to ask the committee about later, and move to have it incorporated in this bill.

The CHAIRMAN. Is it a proposed proviso to the bill?

Mr. HAMILTON. Yes. [Reading]:

And the Secretary of Agriculture may also permit, under such regulations as he may deem proper, one shipment in interstate commerce of live calves, less than 6 weeks old and over 3 weeks old, when the entire time consumed in such interstate shipment to final destination, including time of loading and unloading, does not exceed 10 hours.

The CHAIRMAN. Let me ask you if that is the entire proviso you are going to offer?

Mr. HAMILTON. Not the whole proviso. I will read the whole if you desire.

The CHAIRMAN. There is a proviso just ahead of that. Are you going to offer that?

Mr. HAMILTON. Yes, I am, but there was no controversy about that part of it. The controversy arose, and perhaps centers this morning, around the age at which the calf may be shipped. I will just put it into your hands, Mr. Cobb. I would like to have your judgment on that, Senator.

Mr. COBB. Well, my opinion about that would be simply this: New York State is a large State, and, as I said, we live near the northern border, and it is 325 miles to the market. We can't get down there in 10 hours. Of course, this would mean that you could not ship, that the Commissioner of Agriculture could not give a permit to ship calves unless they are 6 weeks old. That would have the practical effect of having your bill with a six weeks' provision in it.

Mr. HAMILTON. He can make regulations for the shipment of calves under 6 weeks and over 3 weeks old, if you will read it carefully.

Mr. CALDWELL. But you have got to ship them through to destination in 10 hours?

Mr. COBB. That is where they can get through in 10 hours. Your proposition includes the proposition of loading and unloading, and if you have seen one of those cars loaded, you will know that those calves are brought in in crates by the farmers. One gets up early and he will get to the car at 8 o'clock, and another one will get there at 9 o'clock, and another one at 10 o'clock, and they will drag along perhaps until afternoon, and all of that time is included in the 10-hour limitation. Then when they get to market, it may be a poor time to sell, and they keep them for a day or two, and sometimes three days before they are slaughtered.

The CHAIRMAN. You have given us a good many suggestions of value in your statement from a practical standpoint of finance and humanity. Now, do you hear of any grievous complaint made by the parties in the State of New York to the effect that the law on this subject of the State of New York is not enforced?

Mr. COBB. I haven't heard anything in the last two years.

The CHAIRMAN. Isn't it a fact that as a member of the State senate you have given particular attention to this matter, and also to the framing of the law to regulate this affair from the standpoint of the State, and that the State is looking after its duty in that respect? Of course, some may have escaped, as they do in all States, and under our laws, single instances might be referred to that would indicate inhumane treatment, but isn't the law enforced in your State?

Mr. COBB. Yes, sir.

The CHAIRMAN. With due regard to the interests of the people?

Mr. COBB. With much more rigor than the law with reference to larceny is enforced.

The CHAIRMAN. More rigorously than the larceny law is enforced?

Mr. COBB. Yes, sir.

The CHAIRMAN. The tendency of the times, Senator, is claimed to be centralization?

Mr. COBB. That is the idea.

The CHAIRMAN. Which the people really ought to oppose? I do not believe the Federal Government ought to take charge of any matter of this kind, a regulation that the State can take care of itself.

Mr. COBB. Yes, sir; the chairman has summed it up very nicely.

Mr. O. W. MARTIN. I would like to ask whether your New York law assumes to take supervision of interstate shipments?

Mr. COBB. No; it does not, unless some New York statute is being violated.

Mr. O. W. MARTIN. Well, then, suppose if these calves got into interstate commerce, being shipped from western New York to Massachusetts, the inspectors at Albany would not assume to supervise that interstate shipment?

Mr. COBB. They would inspect them all.

Mr. O. W. MARTIN. What authority would they have to interfere with an interstate shipment?

Mr. COBB. They have got authority to see whether there is any cruelty involved in the proposition.

Mr. O. W. MARTIN. Suppose, for assumption, that there is a Federal statute, providing that interstate shipments of calves might be shipped, the calves being 3 weeks of age, we will say, and that the New York law insists that the calves shall not be shipped inside of 6 weeks of age. As a lawyer, would you undertake to say that your inspectors would have authority under that statute to interfere with an article lawfully in interstate commerce?

Mr. COBB. We couldn't stop them if they were 3 weeks of age, if they complied with the Federal law, but if they were being abused, and improperly treated, and not fed, we could stop it.

Mr. O. W. MARTIN. So far as the age of the calves is concerned, you think that your authorities will not assume supervision?

Mr. COBB. No; the Federal law is supreme.

Mr. O. W. MARTIN. These other matters are mere matters of detail and regulation of commerce. Say that your law considers certain acts cruel, and the Federal law takes the opposite view. Isn't this a fact, that as to interstate shipments Congress has exclusive power to regulate, and that therefore, if there is difficulty in interstate shipment Congress must either meet or avoid the responsibility which rests upon Congress?

Mr. COBB. How anyone can state that this is a difficulty which affects the Nation is beyond my comprehension.

Mr. O. W. MARTIN. It is claimed that it is affecting the calves in shipment that Congress, under the commerce clause of the Constitution, is responsible for.

Mr. COBB. There is the State of its destination, with the power to stop the traffic.

Mr. HAMILTON. As bearing upon your reply to Mr. Martin, I hold in my hand a letter from Hon. James Wilson, Secretary of Agriculture, and I would like to have you state whether you agree with his conclusion.

Mr. COBB. I have heard that read. I am just as much against it as you are.

Mr. HAMILTON. I understood you to say that you were able to take care of the cruelty end of it, if I quote you correctly? You agree with that, then?

Mr. COBB. There is no one who would do more to prevent abuses than we would.

Mr. GOEKE. I would be glad if Mr. Hamilton would read the whole letter.

Mr. COBB. I do not want to rest here and have it understood for a minute that we feel that the Secretary is in favor of permitting cruelty in shipments, or anything of the kind. He wants to do everything he can to stop it the same as we do.

Mr. SIMS. It is a cruelty to the people who eat these calves more than the cruelty to the animals. I do not want to eat the immature things. If they are sold, people will buy them and eat them. The public health is what I am considering more than anything else.

Mr. COBB. That involves a scientific question, and it is the general opinion of physicians that a well-fed calf 9 days old is fit for food. Dr. Wiley places it at three weeks. In order to be perfectly safe, we have made it four weeks.

Mr. HAMILTON. For the sake of having it for future reference, can you tell me in what connection Dr. Wiley made that statement?

Mr. COBB. I can't do that. That is hearsay—what I have heard in Albany.

Mr. HAMILTON. You will have an opportunity to correct your remarks, and I would suggest that in correcting them up you incorporate that statement by Dr. Wiley if you can find it.

Mr. COBB. My information was that Dr. Wiley, speaking on this Federal regulation with reference to shipping calves, stated that when they were three weeks old they were fit to eat.

Mr. HAMILTON. I want the statement.

Mr. COBB. I am not misrepresenting. I stated to you that it is hearsay, stated by a gentleman in Albany with reference to Federal regulation and inspection of meat. The provision that the veal must be three weeks old was based upon a report by Dr. Wiley that a calf of that age is good food.

Mr. HAMILTON. Let me get this right. I am not disputing what you say at all. I only wanted to get the original statement of Dr. Wiley into the record.

Mr. COBB. I will try to get it. I would like to get the doctor here himself on this question.

I thank you very much, gentlemen.

Mr. DRISCOLL. I suggest that we take a recess until 2 o'clock.

The CHAIRMAN. Unless there is objection we will take a recess to 2 o'clock p. m.

Mr. HAMILTON. I want to make this further statement. There are some gentlemen here from Indiana, and I understand Mr. Korbly, of Indiana, came in with them, if I am correctly informed, who desire to be heard in opposition to certain phases of this bill.

The CHAIRMAN. We will take a recess to 2 o'clock, and the other gentlemen may be heard at that time.

Whereupon the committee took a recess until 2 o'clock p. m.

AFTER RECESS.

The committee met, pursuant to the taking of recess, at 2.30 o'clock p. m., Hon. Frank E. Doremus presiding.

Mr. DOREMUS. There are several gentlemen who wish to be heard this afternoon. I believe Mr. Gerow is to be heard first.

STATEMENT OF MR. JOHN Y. GEROW, OF WASHINGTONVILLE, N. J.

The CHAIRMAN. Give your name, residence, and occupation to the reporter.

Mr. GEROW. My name is John Y. Gerow, of Washingtonville, N. J. I am a farmer, and represent my industry.

Mr. Chairman, when I heard of this bill I was very interested in it and started for Washington. The first I knew of it was yesterday morning. It was a wonder to me what the intent of this bill was, but I have learned it since I have been here. We are very much interested in the making of deals in this State. Ours is a large business, and it is a very important factor in our commercial enterprise. You have here a condition where you wish to impose a six weeks' limit on the sale of calves. When you do that you increase the cost of production, as well as increase the cost of consumption. The last two weeks the calf is a very much greater expense than the first four. When the calves are left off the cow, it is very detrimental to the cow; but the practical men do not leave the calves on the cows; they feed them from the pails. If you make a law of this kind and enforce it you cripple the production and you enhance the cost of consumption, and you also, in my opinion, diversify the channels.

You also have in this bill the 10-hour limit. That is practically an embargo on the industry in the State I live in. A larger portion of our calves are raised in the upper part of the State, and it is impossible, in 10 hours, to put them in the market and sell them. That can not be done, in my opinion.

Mr. STEVENS. Is Albany the 10-hour shipping point in the upper part of your State?

Mr. GEROW. My shipping point is Jersey City; I live 60 miles from New York.

Mr. STEVENS. I am speaking with reference to the testimony we heard here this morning—that Albany would be a central shipping point for calves in the northern and northeastern part of the State.

Mr. GEROW. I think it would.

Mr. STEVENS. Then how far from Albany would the 10-hour provision enable calves to be transported?

Mr. GEROW. You go back from the time the calf is started from the farm.

Mr. STEVENS. The 10 hours would not commence until after the cars had entered into commerce?

Mr. GEROW. It would not commence until after the car had entered into commerce.

Mr. DRISCOLL. The bill says, including the time of loading and unloading.

Mr. STEVENS. When it comes into the car, commerce begins.

Mr. DRISCOLL. This includes the time of loading and unloading.

Mr. STEVENS. When it comes into the car it enters into commerce.

Mr. GEROW. Oh, they would not all be loaded at one time in the car. We have several roads over which calves are shipped; some go down by the Erie.

Mr. STEVENS. What is the point of loading and unloading on that road?

Mr. GEROW. I think that probably would be Binghamton.

Mr. STEVENS. That is on the Erie?

Mr. GEROW. Yes, sir; on the Erie.

Mr. STEVENS. What would be the point on the Lehigh?

Mr. GEROW. I am not familiar enough to state just where that would be. They might unload at the first stockyard they come to.

Mr. STEVENS. Where is that, ordinarily?

Mr. GEROW. They have so many stockyards, it is hard to tell. On the Pennsylvania Railroad they are liable to take them off at Philadelphia, Lancaster, or P. renton; we find new places every day. They tell us they could not make a certain stockyard within the time limit which the law provides, and so they put them off at another yard.

Mr. STEVENS. That is under the 28-hour law?

Mr. GEROW. Yes, sir.

Mr. DRISCOLL. Aside from the humanitarian and sentimental reasons is it not for the interests of the people who ship these calves, and who own them, to feed them and keep them nourished, rather than to let them starve, thereby permitting them to lose in weight?

Mr. GEROW. Certainly.

Mr. DRISCOLL. It is for the interest of the people who own the calves to keep them nourished properly. Do they not keep them fed, so they will weigh more?

Mr. GEROW. They try to. The shippers use every opportunity they can to keep all calves well supplied, so that they will not shrink.

I want to ask one question for information. My son sells a great many calves in Minnesota, well-bred stock, and I would like to know if this would be an embargo on his shipping his calves to Minnesota from 4 to 6 weeks old? Those thoroughbreds would be shipped to Minnesota from where we live by express, and suppose there is a purchaser there who wants 300 or 400 of these calves. Under this bill would the shipper not be prohibited from sending those calves until they arrived at the age of 6 weeks? That is a question that is of very great importance.

Mr. HAMILTON. There is an existing law which regulates the shipping of cattle for stock purposes.

Mr. GEROW. A law that applies to that?

Mr. HAMILTON. Yes.

Mr. GEROW. This overcomes that. It says that any common carrier can receive them under 6 weeks of age. These are valuable calves.

Mr. STEVENS. Anything that comes within the scope of this bill would be included.

Mr. GEROW. My son has this condition at the present time. He frequently ships calves, about 50 or 60 a year; he gets his orders, and sometimes he puts in a calf 4 weeks old. He provides feed for those calves, and he gets \$75 for his calves, and there are other people who get as high as from two to five hundred dollars for their calves?

Mr. HAMILTON. How old are his calves?

Mr. GEROW. From 4 to 8 weeks old, according to his custom or demands. I do not know why, but there are more hogs and more sheep which die in transit than there are calves. I know they do die. Why this law is applied to calves I do not know. Cows and mature steers and horses die in transit, and they are fed and watered. Even though you are within 40 miles of the market, you will at times lose some of the cattle or sheep or hogs. Those are the statistics.

Mr. STEVENS. This committee went over that very carefully when amending the 28-hour law.

Mr. GEROW. Of course, I think that I voice the sentiment of the farmers, and I think that New York State has been foremost in advocating a pure-food law and doing everything they can to help the consumer in that way. I think that is the past record of the New York organization of farmers. We want to sell no goods that are objectionable. It is a matter of opinion as to what is good. You take the Slavs; they will eat beaslings. You take the Irish woman, and she is just as bad. One man will eat one thing that another man would not. It is a matter of opinion as to what is good.

I prefer to have on my table for eating a 4 weeks old calf rather than a 6 weeks, because in the last two weeks it does not get the proper amount of nourishment. Forty pounds of milk a day is required to feed a 6 weeks calf, after he is 5. If he does not get that his meat becomes stringy. I prefer a 4 weeks calf.

Mr. DRISCOLL. If he is well fed for two days, he will fatten up?

Mr. GEROW. Certainly.

Mr. HAMILTON. May I ask a question now, so that we may have your position clear. What is the youngest age at which you think they ought to be shipped?

Mr. GEROW. You are talking about my personal opinion?

Mr. HAMILTON. Yes.

Mr. GEROW. Two weeks of age.

Mr. HAMILTON. You mean they could go into interstate shipment at 2 weeks of age?

Mr. GEROW. I think he would suffer no less at 6 weeks.

Mr. HAMILTON. I think there is a consensus of opinion among those who have testified before the committee that calves are not fed en route. I want to ask you how long you think a single shipment should be for calves which can not be fed en route?

Mr. GEROW. That can not be fed en route?

Mr. HAMILTON. Yes.

Mr. GEROW. I do not think——

Mr. HAMILTON. I mean to avoid cruelty.

Mr. GEROW. A certain amount of deprivation can not be avoided with any animal shipped on a car. It is impossible for you —

Mr. HAMILTON. How long do you think the shipment ought to be?

Mr. GEROW. I think he would endure a journey of 24 hours without food. I have done it myself.

Mr. HAMILTON. Calves are much younger, however.

Mr. GEROW. You can not ship any cattle in transit with comfort.

Mr. HAMILTON. The older cattle are fed en route. The law requires them to be fed after 28 hours, does it not?

Mr. GEROW. Of course they are fed.

Mr. HAMILTON. What does the law provide in relation to feeding within 28 hours? Is there not a provision for watering within 28 hours?

Mr. STEVENS. No.

Mr. GEROW. Will you allow me to tell you one thing?

Mr. HAMILTON. Yes.

Mr. GEROW. You can feed a calf all you want to in the morning, and at half past 3 in the afternoon he will cry for his mother. It is always that crying you hear in the car.

Mr. HAMILTON. You are a farmer, are you not?

Mr. GEROW. I have been a farmer for 52 years.

Mr. HAMILTON. A farmer now?

Mr. GEROW. Yes, sir.

Mr. HAMILTON. Trace the course of the ordinary shipment of a calf. The calf is brought on the farm, and transported 4 or 5 miles to the place of shipment. That will take several hours?

Mr. GEROW. From two to five hours.

Mr. HAMILTON. The calf is not fed, of course, during that time. His legs are tied, presumably—

Mr. GEROW. Oh, no.

Mr. HAMILTON. It has been testified to that they are, but we will say they are not. He is put into a crate or box. He is carried from the farm to the station where he is put into a car and kept there while other calves are being collected. About how long, do you think, the car would be held, ordinarily, before it is loaded?

Mr. GEROW. I think the car is held—I am not posted on this altogether—but I think from five to seven hours.

Mr. HAMILTON. And during that time the calf is not fed?

Mr. GEROW. No, sir.

Mr. HAMILTON. Then the car is started off for New York. You say that 10 hours en route is too short, and that a longer time should be provided. How much longer than 10 hours do you think should be provided?

Mr. GEROW. I should think the calf ought to have—you have the calf en route there on the car, but you have got to count your time limit from the time of shipment. From the time of shipment he should have 24 hours to get to market.

Mr. HAMILTON. That would be 24 plus about 9?

Mr. GEROW. Plus about seven.

Mr. HAMILTON. We will say from 5 to 7; 24 plus 7 would be 31 hours. When the car reaches its destination the calves are unloaded in a stockyard. The place, of course, is uninviting; it is dirty and muddy; the testimony is that it is that way.

Mr. GEROW. That is a fact.

Mr. HAMILTON. There is not a green thing there and the calf is not fed, is he? I mean in ordinary practice. Let us deal with this thing as man to man, between you and me, straight.

Mr. GEROW. Where I have seen them unloaded they are fed.

Mr. STEVENS. He will not eat or drink much after a trip of that kind?

Mr. GEROW. They will drink, but they will not eat until they get quiet.

Mr. STEVENS. That is so with any animal?

Mr. GEROW. That is so with any animal; they will not each much, but they will drink.

Mr. HAMILTON. Drink what?

Mr. GEROW. They will drink water.

Mr. HAMILTON. But they have not been drinking water theretofore. How long are they held in the stockyard before they are slaughtered, ordinarily?

Mr. GEROW. You will have to ask the man who sells them. I could not tell you. I am here to tell you the truth.

Mr. HAMILTON. We know you are. We want to get at the truth of this and do what is right. Can you give a guess about that?

Mr. GEROW. I have seen them sold within three hours after they are unloaded, but as to their future disposition I do not know.

Mr. HAMILTON. Is it not a little unusual to have them sold in three hours after they are unloaded?

Mr. GEROW. The market is generally over in four or five hours.

Mr. HAMILTON. They are sold to market butchers, are they not?

Mr. GEROW. I believe so.

Mr. HAMILTON. You do not know what the market butcher does with them?

Mr. GEROW. He slaughters them; I do not know how soon.

Mr. HAMILTON. There are some butchers here, are there not, who can tell that?

Mr. GEROW. I do not think there are.

Mr. HAMILTON. There are some stockyard men who could tell?

Mr. GEROW. Yes, sir.

Mr. HAMILTON. It is obvious to you, is it not, that we ought to have some time specified for the shipment of these calves—a limitation of the number of hours they should be en route deprived of all nourishment? I want to call your attention to this: It has been testified here that the meat of these calves is unwholesome for food after they have suffered agony and starvation. It has been said by Dr. Elliott that it sets up an inflammation or condition that results in ptomaine poisoning when the meat is eaten. Have you any knowledge as to that?

Mr. GEROW. I have none whatever as to that.

Mr. HAMILTON. Then we have this to consider. We have the question of cruelty to animal, which, I think, every man ought to consider. Next, we have to consider, with reference to food, the effect of that meat upon the person who eats it. Those are two elements which are certainly involved.

Mr. GEROW. Well, why does it not apply to the other animals?

Mr. HAMILTON. The situation, as I understand it, is that the older animal can endure privation, perhaps, for a longer time than the calf; but I am not certain as to that.

MR. HAMLIN. I remember that there was some evidence that the older animal had a sort of reserve power and could go longer without food than the younger animal.

MR. GEROW. And yet not impair the flesh.

MR. HAMLIN. Just like a fat man can endure fever longer than a lean man.

MR. GEROW. I am not a scientist.

MR. HAMILTON. You mean to be a fair man. I can see that you are, and we are trying to get together on a bill.

MR. GEROW. I know that a pig and a sheep and a cow are deprived of their regular rations.

MR. HAMLIN. I should like to ask a question. Is it not a fact that a large percentage of these calves that are shipped are not taught to eat before they are shipped?

MR. GEROW. A larger percentage are taught to eat than are not taught to eat. I am speaking only for the State of New York. I know nothing about Indiana, or Ohio, or the other States. I speak only for the State of New York. It is not so in the State of New York.

MR. HAMLIN. I got that impression from the testimony before this committee, that a great many calves shipped to New York and Boston were not taught to eat, did not know how, and they came into Boston or New York in a starved condition, absolutely unfit for food.

MR. HAMILTON. And several of them died.

MR. DRISCOLL. They were very young calves.

MR. GEROW. They were bob veals, were they not?

MR. HAMLIN. I presume they were.

MR. GEROW. We are not asking to ship bob veals.

MR. HAMILTON. I understand you are not in favor of that?

MR. GEROW. We do not like it.

MR. HAMILTON. Is it not true that a great deal of that kind of veal is shipped out of New York into Massachusetts?

MR. GEROW. It is not so in my section. I do not know as to the other sections. I can tell you one thing. A man is intelligent in regard to a subject according to the subject he handles, and if you will go and look at a cow or a steer, animals that are very much in demand, if you will look at a cow when she comes off the car you will declare she is starved to death. Just in traveling 50 miles to New York she looks as if she is hollow.

MR. HAMILTON. I do not mean to intimate that you ship that kind of veal. You do not look like a man who would do that.

MR. GEROW. I do not ship any kind of veal.

MR. HAMILTON. You do not look like a man who would do that. Is it not true that there are people who are doing it?

MR. GEROW. You make laws for the just and the unjust, and there are violators of the law in all kinds of traffic.

MR. HAMILTON. That is the point exactly; and that is why I believe we should pass a law that will not give them an opportunity.

MR. GEROW. You will have them, even after you pass the law, to lie just the same. Because you pass a law against murder, you can not stop a man from taking another man's life.

MR. STEVENS. That is not a good reason for not passing a just law.

MR. GEROW. You are supposed to protect society.

Mr. HAMILTON. And the fact that the law is violated is no reason why we should not pass a law making the penalty severe.

Mr. GEROW. The question is whether you are going to put an embargo on the industry of shipping calves. There are over 265,000 calves shipped to New York every year.

Mr. HAMILTON. We are not going to interfere with that, unless you ship them interstate. We can not interfere with calves that you ship down the State to New York City.

Mr. GEROW. You can not ship any calves to New York in any manner.

Mr. DRISCOLL. He is on the other side, and he has to ship them down to Hoboken.

Mr. HAMILTON. This very provision in the amended bill that I propose permits the Department of Agriculture to meet exactly that objection.

Mr. HAMLIN. I understood that this morning.

Mr. GEROW. I do not know what experience you gentlemen had, but by the time we get through with the processes of the law—if we could get a stationary ordinance to allow us to go out of that straight traffic—if we have to do that every time we ship calves, we will have to stop.

Mr. HAMILTON. Does it not come to this, that you do not believe there should be any limitation as to the time during which calves shall be en route, other than the general provision now applicable to older cattle, namely, 28 hours?

Mr. GEROW. Twenty-four hours, we have.

Mr. HAMILTON. Twenty-eight hours. You would make no change in relation to calves at all?

Mr. GEROW. I do not think the calf suffers any more than the sheep.

Mr. HAMILTON. Following up your own statement, you would have 28 hours en route, you would have 5 hours before starting, and 5 hours after arriving, and that would be 38 hours.

Mr. GEROW. It does not take 24 hours to go to New York.

Mr. HAMILTON. I am talking about the limit.

Mr. GEROW. Does not that same thing apply to the mature animal as well as to the calf?

Mr. HAMILTON. I think it does.

Mr. GEROW. The calf will last just as long without food as the mature animal.

Mr. HAMILTON. It seems to me to be absolutely cruel to take a calf away from its mother when it has never been taught to take any food except milk, and keep it for 40 hours without anything to eat; not only absolutely cruel, but that its meat must be unwholesome, and if people are so commercial as to insist that that sort of stuff is wholesome and that sort of practice right, I do not agree with them.

Mr. GEROW. I make the statement to you gentlemen that I have seen a calf 3 days old that never had a drop of milk, that grew up.

Mr. DOREMUS. I do not believe it would be fit for food and I do not believe a calf can go as long as a grown animal without food.

Mr. GEROW. A calf can eat when it is 3 weeks old—most of them do.

Mr. HAMILTON. You still insist that the 28-hour law should apply to the calf the same as to the older animal?

Mr. GEROW. I do; yes, sir. Our State law is what we go by. It is 24 hours.

STATEMENT OF MR. J. G. CURTIS, UNION STOCKYARDS, NEW YORK, N. Y.

MR. DOREMUS. We will hear from Mr. Curtis. Give your name, address, and business to the stenographer.

MR. CURTIS. J. G. Curtis, Union Stockyards, West Sixtieth Street, New York City. My home is in Columbia County, N. Y. I will state that I am a farmer and have always been and I am quite extensively engaged in the commission business in live stock. I have been in this commission business the last 36 years. The ground has been pretty well covered already, but there are two or three things I want to call your attention to, and one or two I want to emphasize. I think we are all agreed that a calf 4 weeks of age that is healthy is good and wholesome as food, if he is healthy when he is dressed. I do not think there is any question about that. If that is true, and the complaint seems to be largely on humanitarian principles—if that is true, and a calf 4 weeks old will stand a shipment as well as one that is 6, is there any reason why you can not enforce the law on a 4-week-old calf as well as on a 6-week-old calf? Is there any good reason why you can not do that? You can tell the age of the calf up to the time he is 3 weeks old—up to that time you can tell it pretty close. It is a little difficult from that time until he is 4, but from 4 to 6 I do not think there is any expert living who can tell the difference, and tell it absolutely. I handle thousands of calves every year and I see the inspectors of our State two or three times a week, and I see the way they select, and I know the signs by which they select. I am speaking.

MR. HAMILTON. Suppose we should say that the age should be fixed at 4 weeks, how long do you want to keep this calf en route, without food?

MR. CURTIS. I am coming to that.

MR. HAMILTON. All right.

MR. CURTIS. Now, in regard to the shrinkage on calves in transit. The humane laws of our State are the same in regard to calves as they are in regard to sheep and hogs and cattle: they are allowed the same length of time. The shrinkage—most of the stock is taken in by weight—the shrinkage, within a few pounds, is practically the same. The full-grown steer and the full-grown calves, on an average, will shrink about 8 pounds to the hundred, from the time they are weighed in at the station until the time they are weighed off the scales in New York, if properly cared for. Would not that go to show that this 4-weeks-old calf stands the shipment just as well as the 4-year-old steer? It is an absolute fact, and I think several of the gentlemen here from the Jersey City yards will bear me out, that the calves that are pulled off the cars which are 6 or 8 weeks old are not so strong. They do not ship those calves until they are 2 or 3 months and sometimes 4 months old. They are high-class calves.

There is one point that has been brought out two or three times, and I do not think it is necessary for me to speak about it very long, and that is that a 4-weeks-old calf is worth as much in dollars and cents and will bring to the consignee as many dollars and cents as one that is 6, and if you enforce this 6-weeks law, you will have to carry the calf two weeks practically for nothing. They speak about feeding. I do not know what the practice is in the Jersey City yards. I do know something about what it is in Buffalo, and I know some-

thing about Albany, and every earload of calves that is consigned, if it has been any length of time in transit—I think 24 hours—is fed there and watered there, and they are very careful to do that. These shippers buy their calves and they pay their money for them, and they buy them by the pound, they bring them to our market and they sell them by the pound, and they want to get all the weight they can get out of them. The calf that would come in this shipment would be put on in Albany, and shipped from there to our market, 150 miles, and will not shrink any more than a calf that is shipped from 60 miles up on the Harlem River, and only about four or five hours from the market. They will eat hay and meal, and they will drink water. We have men on hand at the yards at 4 or 5 o'clock in the morning, and from that time until 7 o'clock their whole attention is given to the feeding and watering of these calves and getting them in shape.

Some gentlemen on the committee asked me why we do not raise steers in New York State. We would be glad to do it if we could do it at a profit. There are comparatively very few raised there. We have milk breeds of cattle, and the steer calves are not good beef cattle. They raise quite a percentage of heifer calves in certain sections of the State, in the sections away from the railroad. The question was asked here as to the points of feeding. The law is such that when they get to this 24-hour limit they must unload and feed their stock. The railroad companies are responsible and are held responsible, and they drive them right up to the limit in that matter, and they do a profitable business. They feed in Albany, in Syracuse, in Utica, and sometimes in Poughkeepsie. They have to get some place; they are not allowed to go beyond the limit. In New York State they are very rigid in enforcing this law. Yesterday, of 4,200 calves on our market, and this is the time of the year we get more light calves than at almost any other time because the cows are not in good condition—the inspectors got eight calves, and I think that is the largest seizure they have made in eight weeks. I do not think our percentage of loss from New York State shipments is more than 1 calf in 1,000. The percentage of loss in grown cattle would be very much larger because they are piled up in the car. Are there any questions you would like to ask me?

Mr. HAMILTON. What is your business, Mr. Curtis?

Mr. CURTIS. I am a farmer and commission merchant.

Mr. HAMILTON. Are you farming very much?

Mr. CURTIS. I am carrying about 100 cows.

Mr. HAMILTON. Where do you live?

Mr. CURTIS. My residence is in Columbia County.

Mr. HAMILTON. Where is that?

Mr. CURTIS. That is about 30 miles south of Albany and about 118 miles north of New York City.

Mr. HAMILTON. Where do you do business?

Mr. CURTIS. At the Union Stock Yards, West Sixtieth Street.

Mr. HAMILTON. New York City?

Mr. CURTIS. Yes, sir.

Mr. HAMILTON. Then you know about the traffic in calves?

Mr. CURTIS. I think so; I have raised them and bought them and sold them.

Mr. HAMILTON. Are you engaged in the dairy business?

Mr. CURTIS. Yes.

Mr. HAMILTON. I suppose that in your dairy business a calf is not considered of primary value as such? I mean to say that you want the cow so that the cow will give milk; that is true?

Mr. CURTIS. Yes.

Mr. HAMILTON. And when the calf comes, you being busy about the farm, having a large number of cows to milk, do not like to bother very much, or divert your force very much to the business of teaching calves to eat and drink?

Mr. CURTIS. In my dairy we let them suck the cow. If we carry them at all, we carry them from four to five weeks; sometimes we sell one to parties—we have parties away from the railroad.

Mr. HAMILTON. What do you mean by the term "bob calf?"

Mr. CURTIS. It is a calf supposed to be one day to a week old.

Mr. HAMILTON. As a matter of fact, I take it, Mr. Curtis, that a good many of the dairymen like to sell the calves as soon as they conveniently can in order to get them off their hands?

Mr. CURTIS. Certainly.

Mr. HAMILTON. And the price they get for the calf is not of primary importance with them?

Mr. CURTIS. Well, that depends on the season of the year. The price of the market varies with the different months.

Mr. HAMILTON. Yes.

Mr. CURTIS. Just at the present time I have a creamery on my farm—a butter and cheese creamery within a block of the barn. With the price of butter and cheese to-day, I think I can get more out of the calves than I could out of the milk that way. If the price on the market was high, I would get what I thought that calf was worth, and I may be able to get \$2.50 or \$3.50 for those calves when the milk is good, about the ninth milking.

Mr. HAMILTON. The ninth milking means four days?

Mr. CURTIS. Yes.

Mr. HAMILTON. A little over four days?

Mr. CURTIS. Yes.

Mr. HAMILTON. So that if the milk of the cow would bring more if sold than if given to the calf, then it would be a good commercial proposition to sell the milk and let the calf go for what you could get for it?

Mr. CURTIS. Most assuredly; but what has that to do with the question?

Mr. HAMILTON. I suppose that is a matter of argument. I take it that others reason this thing out the way you do, because you are an intelligent man.

Mr. CURTIS. Many of them do that in the milk business.

Mr. HAMILTON. How many calves do you suppose are produced in the State?

Mr. CURTIS. I am not able to give you that now, exactly. We receive in New York about 215,000 a year. A good many of them go to Buffalo, and some of them go to Boston. We have a line of roads all the way from Albany down, and tributary lines into Albany; the Delaware & Hudson runs to Whitehall, and the Fitchburg line, taking in the western part of the State. Those people are all in a position to take advantage of any changes in our market, or the Buffalo or Boston markets. Those people are quite large dealers. They do quite a

large business. It is nothing unusual for them to have two or three hundred calves in a shipment. They are in communication with all these yards. The commission men telegraph them the prices. At whichever place the price is the best, that is the place to which they ship.

Mr. HAMILTON. There is where the calves go?

Mr. CURTIS. For that reason we do not get all.

Mr. HAMILTON. You do not bother to teach the calves to drink? I suppose on your farm there are produced—about how many calves will there be produced by the 1st of June?

Mr. CURTIS. Forty or fifty.

Mr. HAMILTON. Forty or fifty calves. It would be quite a job to teach them to drink.

Mr. CURTIS. We do not attempt it.

Mr. HAMILTON. So after all, it comes to a commercial proposition; you dispose of those calves as soon as you can. They are not taught to drink?

Mr. CURTIS. I want to correct one impression. In the pen where my calves are they are in a large box stall. We keep a box stall there with meal in it all the time. When they are 3 weeks old they begin to take it, sometimes a little younger. Sometimes we throw in a little hay; they will take that after they are 3 weeks old.

Mr. HAMILTON. A calf does not chew that for the sake of nourishment.

Mr. CURTIS. They seem to enjoy it.

Mr. HAMILTON. Dry hay?

Mr. CURTIS. They will eat it. If you will give them sweet clover hay they will eat quite a bit of it.

Mr. HAMILTON. At the time a calf is 3 weeks old?

Mr. CURTIS. Yes, sir.

Mr. HAMILTON. But you do not keep your calves until they are 3 weeks old?

Mr. CURTIS. We would not keep——

Mr. HAMILTON. But you do not carry them until they are 3 weeks old?

Mr. CURTIS. Every calf I have there now I expect to carry until they are past 4 weeks of age.

Mr. HAMILTON. I suppose you agree with me that calves are not able to take any nourishment en route?

Mr. CURTIS. They do not feed them while they are on the car.

Mr. HAMILTON. Exactly; they do not feed them after they take them from your farm?

Mr. CURTIS. Oh, yes.

Mr. HAMILTON. You sell those calves to the calf dealers?

Mr. CURTIS. Yes.

Mr. HAMILTON. You say that those calf dealers feed those calves after they leave your farm?

Mr. CURTIS. Most assuredly. You have an idea that those calves go into a muddy pen, open and exposed. The pens at the Union Stock Yards are under the supervision of the city board of health.

Mr. HAMILTON. I mean at your end of the route. Your farm is not at West Sixtieth Street. I am speaking about your farm.

Mr. CURTIS. You mean I did not feed them after they left my farm?

Mr. HAMILTON. After you sell them?

Mr. CURTIS. He did not buy my -

Mr. HAMILTON. Being a dealer, you can ship your calves to yourself, where the ordinary farmer——

Mr. CURTIS. He has to ship to some commission man.

Mr. HAMILTON. The commission man does not feed the calf at the station before he puts it on the train.

Mr. CURTIS. He has only just come off the car; he would not take anything.

Mr. HAMILTON. That is what I am getting at. He is put off the car. It is suggested here that the law will permit the calf to be 28 hours en route after he leaves your farm.

Mr. CURTIS. Twenty-four, in our State.

Mr. HAMILTON. Twenty-four under your State law, but 28 under the Federal law. I believe you agree with the previous witness that it might be from 3 to 5 hours before the calf was put on the train; you would say that was conservative?

Mr. CURTIS. It might be. At the stations where I receive, I do not think it would exceed that. That depends on the location.

Mr. HAMILTON. When he gets to the stock yards at Sixtieth Street, tell me what happens.

Mr. CURTIS. They are run under chutes at Sixtieth Street, and they are supposed to be immediately unloaded; the yard company is supposed to immediately unload that stock.

Mr. HAMILTON. Do they?

Mr. CURTIS. They are supposed to; and if there is any loss of life, and they do not do it, we hold them right up for it.

Mr. HAMILTON. In practice, what do they do ordinarily?

Mr. CURTIS. In practice they do that. Their men are up all night.

Mr. HAMILTON. After the car has landed in the yards they are liable to lie there two or three hours?

Mr. CURTIS. No; not after they are run down the chutes. When they come to the chutes the commission men are interested, and we demand that they shall be unloaded immediately, and we insist upon that, and they are ready to do it.

Mr. HAMILTON. All right; then what do you do with them?

Mr. CURTIS. You are talking particularly of calves?

Mr. HAMILTON. Yes.

Mr. CURTIS. They are driven up into a building, on the second floor of a large building, under the supervision of the health department of the city, and it has to be whitewashed and kept absolutely clean. If the carload is unloaded, they are driven into a pen, where they have plenty of room and a trough of water in front of them. If they have been on the road 24 hours, we are supposed to have, and almost invariably do have, advice of the shipment, and are prepared for them. We put in about 100 pounds of hay and a bushel of meal.

Mr. HAMILTON. How many calves would that feed?

Mr. CURTIS. About 150. They are supposed to be all unloaded; they are not always there, because the trains are not always on time, but they are supposed to be unloaded, and in our yard by 4 o'clock in the morning; they are supposed to come in anywhere from 6 o'clock at night up until 12. They are not shipped out of Albany until dark. That is a very good time at certain seasons of the year, and especially in times of extreme heat, I prefer to have

them that way. Then we offer them for sale. They are sold, and run over the scales, and the butchers truck them into their slaughter houses, and all those houses are fixed for the feeding and the watering of those calves.

Mr. HAMILTON. The calf has never taken much, if any nourishment, except milk, before that time.

Mr. CURTIS. It has, perhaps, taken water through the summer time. They take water frequently. They will often do it at 3 weeks of age.

Mr. STEVENS. What is the time of transit between Albany and your yards?

Mr. CURTIS. With the express train they will run through in about eight or nine hours. Sometimes quicker than that.

Mr. STEVENS. They run them on fast trains, do they?

Mr. CURTIS. Yes; they run an express the night before every market day, and sometimes two, from Albany down on the New York Central line.

STATEMENT OF MR. SAMUEL SAUNDERS, OF JERSEY CITY, N. J.

Mr. DOREMUS. We will now hear from Mr. Saunders. Please give the reporter your name and address.

Mr. SAUNDERS. Samuel Saunders, Jersey City Stock Yards; in New York, 545 West One hundred and eleventh Street.

Mr. DOREMUS. What is your business?

Mr. SAUNDERS. Live stock commission merchant.

Mr. DOREMUS. Are you a farmer or dairyman?

Mr. SAUNDERS. No, sir; I am sorry to say. I am not going into the details, as you have already heard about them. There is one fact it seems the majority of the gentlemen have overlooked, as to the humane part of these calves and the meat not being fit to eat. Every calf that is slaughtered in the city of New York is under a very rigid Federal inspection. You will find out that the number of carcasses condemned is less with calves 4 weeks of age than with any other animal that we kill. If there should be a calf come in that is in the slightest degree defective the butcher refuses to purchase them, and they have to be sent to the slaughterhouse for slaughter under inspection, and they are not allowed to sell those calves. They are put into a detention room and locked in there, and if the lock is broken the carcass is taken away without any questions being asked. That is one of the main things which goes to prove that calves are just as fit after being on the road 24 hours as cows and steers and lambs. I personally think they are more fit.

I am not a farmer, but I have had 30 years' experience, and I have statistics which show the receipts of the calves at our yards during the year 1911, and of sheep and lambs and cattle, and it shows that the percentage of dead calves has been less than that of any other animal.

Mr. STEVENS. Do they stand up or lie down?

Mr. SAUNDERS. They lie down and stand up. Another thing that has been forgotten to be mentioned. These calves are not shipped as heretofore; they are not shipped by carload lots. The owner himself pays for them, and he is not going to overload this stock. They are comfortable. There is no use in saying you could get in 10 more calves. He will say, "I have to pay for them and am going to keep

the calves more comfortable." Everything is under rigid examination, and the humane society keeps very close watch.

Mr. STEVENS. In previous testimony that this committee has taken it has been charged that cattle were frequently overloaded in cars, and that when a steer would lie down frequently he could not get up again and was trampled. What happens in that respect as to calves?

Mr. SAUNDERS. That is not allowed any more; the railroad will not accept them, and it is foolish for the owners to do it. There was a time when he had to pay—a man would say it is \$65 for a car from Chicago to New York, and if I can put in some extra cattle it will be a saving of \$12 or \$15. To-day 20,000 pounds is your minimum weight. The minute you put more than that in there they weigh it. When this stock reaches Jersey City it is weighed, and you have to pay for the weight in the car, and it is no benefit for a man to overload the stock.

Mr. STEVENS. The only benefit is to get your minimum weight?

Mr. SAUNDERS. That is all. Our butchers are so scared they will not purchase them. The inspection is very rigid. There is not a carcass sold that is not under the Federal inspection. If these calves would go to pieces after being on the road 24 hours, there would not be one pass.

Mr. STEVENS. That might be all right as far as New York is concerned, but what about the little towns?

Mr. SAUNDERS. They do not receive those calves in those little towns. Buffalo, Pittsburgh, and all the cities are under the most rigid examination, not only by the Government, but by the humane society, which has grown to be a great factor.

Mr. DOREMUS. What about those calves shipped to private butchers; you do not have any inspection there?

Mr. SAUNDERS. Yes, sir.

Mr. DOREMUS. The testimony before this committee in regard to the market at Boston is that there is very little Government inspection there.

Mr. SAUNDERS. True, from all reports. If Boston is so lax, if they can not attend to their own city, it looks hard that the whole United States should suffer on that account.

Mr. STEVENS. Do you not recall that when the meat-inspection law was under discussion, it was charged that the worst abuses were in the slaughterhouses around Buffalo?

Mr. SAUNDERS. What has happened since?

Mr. STEVENS. Does that not exist as to small slaughterhouses not under Government inspection?

Mr. SAUNDERS. Not in New York and New Jersey.

Mr. STEVENS. Outside?

Mr. SAUNDERS. I do not know anything about these other towns.

Mr. DOREMUS. We have to deal with all these towns.

Mr. SAUNDERS. That is true, but it seems to me too bad that one of the main towns should suffer under these existing ideas of other States. In every slaughterhouse to-day in our State, in almost any place where a cow is kept they have to measure up to a standard just the same as the tenement houses do. The men are compelled to change their overalls twice a day.

Mr. SAUNDERS. What I want to tell you, gentlemen, our business to-day is under the most rigid examination, and not only by the Fed-

eral but by the State Government also, and it is impossible, I think, to sell a food that is not fit to eat in New York or New Jersey.

Mr. HAMILTON. I hold in my hand the report of the Secretary of Agriculture to the chairman of this committee on this bill, and under date of January 3, 1911, he quotes Dr. B. P. Wende, inspector in charge, Buffalo, N. Y., as saying—

Such animals are not given any more consideration with respect to feed, water, and rest than other animals, and have often been confined in cars without feed, water, and rest from 38 to 45 hours when unloaded at these yards.

Have you anything to say in contradiction of that statement?

Mr. SAUNDERS. It could not happen with us. The railroad companies would be afraid to take a chance. They would not allow them to go farther, for one reason, and, for another reason, their own resources, because when unloaded they are charged with the hay and feed.

Mr. STEVENS. That happens under the Federal law now.

Mr. SAUNDERS. I do not see how it could.

Mr. STEVENS. I will show you in just a moment.

Mr. SAUNDERS. They have been fined, and the railroad company is liable.

Mr. STEVENS. Let me do a little figuring for you. Under the act of June 29, 1906, known as the 28 hour law, there is this proviso: Provided written request of the owner, etc., the time may be extended to 36 hours. Now, you will admit that?

Mr. SAUNDERS. Yes, sir; the owner has to sign at his own risk.

Mr. STEVENS. That this time of 36 hours does not include the time for loading and unloading?

Mr. SAUNDERS. That is right.

Mr. STEVENS. It may be about how much more?

Mr. SAUNDERS. An hour.

Mr. STEVENS. These gentlemen—Mr. Curtis told us it may be three to five hours.

Mr. SAUNDERS. We are not referring to that; we are referring to this 36 hours. Loading and unloading, one hour.

Mr. STEVENS. The actual time, taking into the car and out that may be, but some of these witnesses stated the car might be on side-track in the process of loading three to five hours.

Mr. SAUNDERS. Right. These are exceptions, cases of one, two, or three hours, where calves are brought in small bunches, but where the dealer has 200 to 250 calves they are driven in in one bunch and loaded. We were talking about the way some of the farmers are obliged to load their calves. Where 8 or 10 farmers bring in enough of one kind of calves, it is naturally going to take them one to three hours, because one farmer may be an hour or two hours late.

Mr. STEVENS. That is what I am trying to get at. In the process of loading and unloading it is expressly not included in the 36-hour bill; they may be some three to five hours in loading and one hour in unloading. That would be allowed under the law.

Mr. SAUNDERS. It would be allowed under the Federal law, but it is something that never happens.

Mr. HAMLIN. I think the witness who just preceded you, if I understood him correctly, stated a while ago calves were frequently shipped from Buffalo about dark of the evening.

Mr. SAUNDERS. Albany.

Mr. HAMLIN. Albany; and come in the next afternoon.

Mr. SAUNDERS. Get in the next morning.

Mr. HAMLIN. Come in Albany during the afternoon and would be shipped out of there about 6 o'clock?

Mr. SAUNDERS. Yes, sir; they do not allow you to ship them out until they are rested or watered. The same way with export cattle. You are obliged to unload them, feed them, and water them, and let them rest six or more hours.

Mr. HAMLIN. That is calves in transit?

Mr. SAUNDERS. All stock in transit.

Mr. HAMLIN. How about calves that come from several stations, being shipped to different people?

Mr. SAUNDERS. Twelve to 14 hours it takes them as a rule to come here, 18 hours, 20 hours. As Mr. Curtis told you, those that are on the cars longer than 24 hours, which is the way it sometimes happens, you understand, when they do come in they are prepared for them, waiting for them, know they are coming, and they get the best of attention.

Mr. HAMILTON. I should just like to ask you another question. I have here before me the report of the Secretary of Agriculture, and I will read again from it. He says:

Dr. James S. Kelly, inspector in charge, Cleveland, Ohio, under date of April 4, 1911, writes as follows:

"On yesterday, April 3, there were several mixed shipments of live stock at the Cleveland Union Stock Yards from points in Michigan. Among these shipments were a number of very young veal calves. The Cleveland city inspectors tagged out some 40 to 50 which apparently ranged in age from 8 to 14 days and which were too young for slaughter under the city code. Not being able to slaughter these calves in Cleveland, they were bunched together with others by Bower & Bower, live-stock commission men, for shipment to Armour & Co., Pittsburgh, Pa."

In this connection it should be stated that the establishment at Pittsburgh to which the calves were shipped was not under inspection by the Department of Agriculture.

What comments would you desire to make on that condition? This is a report, now, of a Federal inspector. Do you not think that discloses a condition which would seem to require some sort of Federal regulation?

Mr. SAUNDERS. It certainly would; yes, sir.

Mr. HAMILTON. You certainly do not approve of that?

Mr. SAUNDERS. No, sir.

Mr. HAMILTON. I am glad of it.

Mr. SAUNDERS. There is not any man in our business advocating or wanting you to ship these bob calves.

Mr. HAMILTON. Let me ask you—there ought not to be any antagonism between men in this country who want to bring about some remedy for this infernal cruelty that is going on, and you ought to help us to bring it about —

Mr. SAUNDERS (interrupting). We are willing to help you, but why should we——

Mr. HAMILTON (interposing). Then why should you not recognize facts as they exist?

Mr. SAUNDERS. Why single me out?

Mr. HAMILTON. Nobody is singling you out.

Mr. SAUNDERS. A great many people will argue with you a calf 3 weeks old is fit for food.

Mr. HAMILTON. These were not 3 weeks old.

Mr. SAUNDERS. Some claim 2 weeks old. You can get a calf 2 weeks old heavier than one 3 weeks old.

Mr. HAMILTON. Are you prepared to argue that a calf a week old, if it should be shipped from some point in Michigan to Cleveland, being obviously unable to take any nourishment, and should be held in Cleveland without any nourishment, and finally shipped down to Armour & Co., at Pittsburgh, Pa., and there slaughtered, are you prepared to say that the flesh of that calf is fit for human consumption, even if you are unwilling to take into consideration the suffering of these poor animals, are you willing to say it is fit for human consumption?

Mr. SAUNDERS. I am willing to say it is not.

Mr. HAMILTON. Are you willing to say it is not cruel? You would say it was cruel to the calf, would you not?

Mr. SAUNDERS. Yes; certainly, to a week-old calf.

Mr. HAMILTON. To a 2-weeks-old calf?

Mr. SAUNDERS. It would be cruel; you know what I mean, it is cruel to load any of these cattle in a car. It is cruel the minute you take these cattle away from their homes, for that matter, whether they are 2 weeks old, 2 years old, or 4 years old. It is cruel the moment you take any of these cattle or sheep and put them in the car, and I am not trying to make you people believe it is not cruel to crowd these cattle in the cars; but I do tell you gentlemen the improvements in this business the last two years have been so great that one not in the business would not believe it.

Mr. HAMILTON. Apparently in your particular part of the country the millenium has started in the stock yards, but it has not started in Cleveland, Ohio, or some other places. Here is another report. Here is another statement from the report of the Secretary of Agriculture. He says:

Dr. George Ditewig, traveling inspector for the bureau, writes from Chicago, Ill., under date of July 18, as follows:

"The number of calves given for city use and Chicago packing is 228,000. The number of calves rejected for all causes is 4,117. How many duplications, if any, this total contains can not be shown. Practically this whole number rejected is made up of bob calves, or inspections on bob calves. In this particular line the inspection has been active and fairly successful; successful, at least, in diverting such animals from the official to the local and nonofficial slaughterhouses."

Now, under the Federal inspection act this number of calves is perhaps reduced, I mean that the number of bob calves is perhaps reduced; but while they reduce the number sent to where they may be inspected by Federal inspectors, they are shrewd enough to turn them aside to some other destination where they are not subject to Federal inspection. Do you not think it is necessary to have some law to stop that?

Mr. SAUNDERS. If I may ask the question—admitting all you say is true——

Mr. HAMILTON (interposing). I am reading the report of the Secretary of Agriculture.

Mr. SAUNDERS. Well, admit it is true. In what way does it benefit, in accordance with the bill that is about to be introduced to cause this thing to be stopped? In what way would it benefit it?

Mr. COBB. You mean in what way will the bill stop it?

Mr. SAUNDERS. Yes. We will assist you in convicting anybody that ships bob calves. We will agree to report to any inspector you say, and we are all willing to do it.

Mr. HAMILTON. You say, How will it stop it? One way to stop it would be to impose a penalty.

Mr. SAUNDERS. That penalty is imposed now.

Mr. HAMILTON. For shipping calves too young under Federal law?

Mr. SAUNDERS. Yes; calves can not be shipped under 3 weeks of age, under the Federal law.

Mr. BOSHART. That is Federal regulation.

Mr. HAMILTON. Find that and put it in your remarks, if it is true; but it is not.

Mr. SAUNDERS. I think you will find the Federal regulation is under 3 weeks old. And the more we argue about these things and you write it any better than we have written it by this idea of shipping 10 hours on the road, it is going to allow some people to kill calves 3 weeks old on the place and sell them there and ship them here and ship them there, and it is going to make your law a great deal worse, and all you have got to do is to pick out your few States and compel them to live up to your law, and it will be all right. It seems an awful hardship in States like New York and New Jersey that there is nothing against. People have been sent to jail for shipping these calves.

Mr. HAMILTON. More ought to be.

Mr. STEVENS. Before these witnesses leave I think it is very important we should discuss the point proposed in Mr. Hamilton's amendment. The present law contains this provision, section 1: "In estimating such time the time consumed in loading and unloading shall not be considered." In Mr. Hamilton's proposed amendment those words are not only eliminated but it is provided the time for loading and unloading shall be a part of the 10 hours that shall be provided, and the cars shall be in transit.

Mr. DRISCOLL. That is absolutely impossible.

Mr. STEVENS. I want these gentlemen to tell how that is going to work.

Mr. BOSHART. That is our purpose.

Mr. HAMLIN. Is there anything else?

Mr. SAUNDERS. There is not, and I should like to be excused, and I thank you for your courtesy.

Mr. HAMLIN. Mr. James Latta has just handed me a short statement that he wishes me to read to the committee and let it go in the hearing. He represents the live stock dealers in Philadelphia. He had to take the train, and if there are no objections I will read it to you, as follows:

PHILADELPHIA, PA., April 15, 1912.

Chairman and Members of the Committee on Interstate and Foreign Commerce, Washington, D. C.

GENTLEMEN: We, the undersigned, representatives of the Live Stock Association of the City of Philadelphia, wish to voice our protest against bill (H. R. 17222) regarding the shipment of calves.

We believe this to be a very drastic measure, and if enacted into a law that it will kill the business of shipping calves from one State to another.

Our city depends largely upon calves that are imported from other States. It is a certainty that 80 per cent of the calves consumed in Philadelphia and its immediate territory come from other States.

This bill reads that it would be a misdemeanor for a common carrier to receive a calf that is under 6 weeks of age. You, gentlemen can see at once that the agents of the common carriers would have no means of determining the age of a calf that is offered for interstate transportation, consequently they would refuse to receive any calf unless it would be almost as large as a full-grown animal, and the shipping of calves would be a State business instead of an interstate one, as at present.

Like other commodities, veal has a large consumption in some States and very small in others; therefore it is very necessary that we have a free interstate movement of calves.

As stated in the beginning of this letter, 80 per cent of the calves consumed in Philadelphia—and this city is a large calf market—are imported from other States. We cite this as one instance alone, and when you gentlemen come to realize how other large cities are likewise in the same predicament, we feel you will not be willing to force people from nearby States to sell in their own State when they can find a better market in another State.

We venture to say that if this bill becomes a law that it will curtail the interstate shipment of calves to such an extent that veal will become a luxury, because, as stated in the beginning of this appeal, the State of Pennsylvania does not furnish more than 20 per cent of the calves that are needed for the wants of our city. You can easily see that a law of this kind would be putting the burden upon the consumers in addition to depriving the people of other States from getting the benefit of our market.

The high cost of living is a subject that is occupying the attention of the people of this country at the present time, and a bill of this kind, if passed, would greatly tend to increase such high cost of living, as it would decrease the importation of calves to congested districts, and in consequence the poor would suffer, as veal is a large factor in food products.

For a matter of information, there were 75,000 calves handled at the West Philadelphia stockyards alone during the year 1911, of which 80 per cent were imported. Were this importation to have been restricted, you can imagine what the extra cost of veal to the consumer would have been.

With the rigid inspection that the Government is giving to all stockyards, it appears almost useless for a bill of this kind to become enacted, and for this reason. When immature calves reach the centers of live-stock markets, the agents of the Government are ready to seize and confiscate them, consequently we see no reason for a bill of this kind, and we hope that you gentlemen will consider the interest of all and not recommend the passing of same.

Respectfully,

Consolidated Dressed Beef Co., P. J. Mayries; Geo. J. Roesch, President
Roesch Packing Co.; Holmes & Clark; Philadelphia Sheep Co.; Union
Small Stock Co.; J. E. Hendrickson & Co.; Heilbron & Loeb; C. J.
Rice; Coulbourn & Noble; M. Myers Sons; A. J. Pusey & Sons; F. P.
Quinn; Philadelphia Abattoir Co., Jas. M. Harlan, Treasurer.

Mr. STEVENS. I wish these gentlemen would place in the record, as some of them have already indicated, what the law of Germany is as to the age at which calves may be slaughtered.

Mr. BOSHART. I understand 10 days; I know it is the old rule of all foreign emigrants who come over here, and I remember it as a boy down there, that the rule is that a calf is good for food at 9 days of age. I have seen hundreds of them killed by foreigners at that age. It is an old adage brought down throughout hundreds of centuries.

Mr. J. G. CURTIS. I know a great many Jews, the greatest veal consumers of any people, and I know a great many wholesale slaughterers who are Jews.

Mr. HAMILTON. If a man likes that kind of veal let him kill it on his own farm.

Mr. CURTIS. They tell me they would rather have the flesh from a wholesome 10-day calf than one 4 to 5 weeks old.

Mr. STEVENS. That is what I desired to know, because German veal is excellent.

Mr. BOSHART. I do not know the age, but I know the age must be 5 to 6 weeks on those beef calves, high-priced calves. Those calves sell for 21 to 22 cents alive, that means nearly 50 cents for the dressed

carcass, and when you come to place that on the market it puts it beyond any common people to buy.

Mr. CURTIS. We had a few calves on the market here a few years ago for a French butcher; they were kept right in small cages with a floor of what we call scantling, 2 by 4's, to drain off the floor, which keeps them absolutely dry, and fed them three times a day on eggs and milk until they were 4 or 5 weeks old.

STATEMENT OF MR. F. E. McCONNELL, SECRETARY OF THE TRI-STATE LIVE STOCK ASSOCIATION.

Mr. McCONNELL. We have an organization of live-stock shippers; take the southern half of Michigan, the northern half of Ohio and Indiana, we have 171 members and nobody is a member of that association except a regular, bona fide shipper actually engaged in buying and feeding live stock. We cover a territory about 250 miles long by about 150 miles wide. Not all the shippers in that territory belong to the association, but a large part of them do.

Mr. HAMLIN. Have you got a trust?

Mr. McCONNELL. We have no trust. We have a trust in this way, though, that two years ago when you had the embargo on our State, which was one of the most unjust things ever Mr. Wilson put out—no other portion of the State except a little corner around Detroit was affected with the foot-and-mouth disease—I went over to Lansing myself with some other members of our association, went before our State commission and after awhile did get it removed, but our farmers fed out the last bushel of their corn they had to hogs and they sold at a very low price because they could not get to market. This same thing is going to happen with this bill. What are you going to do with this State? Take a load out of Charlotte, or even up around Grand Rapids, and you can not make the market with your local trains in 10 hours, can not do it in 12. We take out our local stock train from Elkhart; it picks up stock down to Toledo.

Mr. HAMILTON. What time does it leave Elkhart?

Mr. McCONNELL. Three-eleven.

Mr. HAMILTON. Then where does it go?

Mr. McCONNELL. Then it is made into a solid stock train and runs to Cleveland and from there to Buffalo. Of course a great deal of our stuff stops at Cleveland.

Mr. HAMILTON. Buffalo is the ultimate destination?

Mr. McCONNELL. Buffalo is the biggest market.

Mr. HAMILTON. How long does it take to run from Elkhart to Buffalo?

Mr. McCONNELL. Well, they make the run from Toledo, or should make it, so as to get into Buffalo in about 30 to 32 hours from Elkhart. Of course they fell down several times this winter.

Mr. HAMILTON. That is a pretty long run for a 3-weeks-old calf, is it not?

Mr. McCONNELL. I ship a good many veal calves. We pick them up two or three here and four or five there; they are drawn in all the way from 7 to 8 miles, and they come in all times of the day, from 8 a. m. to half past 2 in the afternoon.

Mr. HAMILTON. What is the average age of those calves?

Mr. McCONNELL. Our calves there are usually held about five weeks. I personally and our shippers there will not buy anything unless it is first-class veal; in fact, not one veal out of fifty I ship but sells at the top of the market. Most of the farmers in Hilldale market and through there prefer to make a calf prime before they let it go, and that takes four or five weeks; they do not like to hold them over five weeks; but they hold them from four to five weeks and make the calf weight 150 to 180 pounds in that time, where they have grade mothers; that is home weight; a Jersey cow will not do it.

Mr. HAMILTON. Then if this bill prescribed that calves should not be shipped under 4 weeks old, it would conform to your views, would it not?

Mr. McCONNELL. It would; yes, sir.

Mr. HAMILTON. What would you say about five weeks?

Mr. McCONNELL. It would not be so much of a hardship with us, although here is a question to decide. Gentlemen, I confess I think a calf 3 to 3½ weeks old, 3 weeks old more particularly, could be distinguished quite readily; after they got up much beyond 3 weeks I think it would be hard for anybody to tell their age up to a certain point.

Mr. HAMILTON. About the distance that calves can be transported without feed—that is a difficult question.

Mr. McCONNELL. I ship to Toledo and Cleveland, I ship to Buffalo, and I even ship to Jersey City. I had three car shipments in there this last week; in fact, I came down here from there. Veal calves will ship just as much with me to ship them to Toledo as they do to Buffalo, usually about 6 to 7 pounds a head if I come through to Jersey City.

Mr. HAMILTON. They starve down to about that in that time?

Mr. McCONNELL. They will shrink from home weights about 6 or 7 and sometimes as high as 8 pounds.

Mr. HAMILTON. And that is pounds of milk or something in them when they started?

Mr. McCONNELL. Yes. Now, you were speaking this morning about pailing them. Our farmers do not pail them; we let them run right with the cow, not have the cow with them all the while, but they do their own milking. Those calves usually start away in the morning up to 9 o'clock, and they are full of milk; and, of course, when we weigh them up we weigh a great deal of that milk. That milk is pretty nearly eliminated by the time they get to market. We always deck our calves; never ship full decks of calves; ship 3 to 20 or 30 in a car with hogs or sheep—that is, build a partition, and the calves are put in one part of the car. We almost always throw in a little clover hay. Our calves will average nearer 5 weeks than anything else, and they will eat quite a lot of that hay, if you give them good clover hay. I do not know what they always do in Buffalo, but I know if I go there they turn the bunch of calves into the feed yard; they always do so, and they go up to the water trough and water and eat quite a little of that coarse hay.

Mr. HAMILTON. I am glad to know the shippers from Michigan are not shipping calves a week or 2 weeks old.

Mr. McCONNELL. That statement there in Cleveland—I do not know whether I got the right idea of that, but I know something about that shipment, because I had two cars. There was a wreck

between Toledo and Cleveland and I had to throw the stuff into Cleveland to comply with the Federal law, and I had two cars thrown in that 3d day of April.

I do not believe there were any Michigan calves in that train, because our shippers along that line are members of the live-stock association and do not buy that kind of calves, and if that was the case how could Bower & Bower get control of them and ship them to Pittsburgh; because in that case they would have to go to Buffalo. Bower & Bower have no right to them in any case.

Mr. HAMILTON. What length of time do you think calves should be kept on the road?

Mr. McCONNELL. I do not think it hurts a calf a bit to be on the road 36 hours. It is no worse to take that calf and put him on the road for 36 hours than to take these lambs out of these States and take them from their mothers and ship them; no worse than to go into Montana and take those little lambs three months old and run them around over Jim Hill's road, where there is not a watering station until you get to St. Paul; it takes about three or four days to make the run. It is done every year; lots of it; I have done it myself.

Mr. HAMLIN. Do you not think that was cruel?

Mr. McCONNELL. It was cruel.

Mr. HAMLIN. Well, then, simply because that is done and is cruel we ought not to treat the calves badly.

Mr. McCONNELL. If those lambs had been properly watered they would have come through in great shape, but it is rough to take a lamb and keep it without water for three or four days. I will take Mr. Hamilton up in our country and show him a load of steers, reasonably fat; I will put them on the cars and ship down to Buffalo and take him on a passenger train and show them to him there and he will swear he never saw steers so poor in his life.

Mr. HAMILTON. Then think of the wear and tear on the poor little calves.

Mr. McCONNELL. I think a calf will stand it better. I have not lost one-half of 1 per cent of my calves in 10 years, and I make shipments of sheep quite often, and I lose one or two to the car, also hogs, and you quite often find a larger animal down and bruised in the car.

Mr. CURTIS. We are all with you. Let them take care of their own conditions.

Mr. COBB. Read what the railroads say about it. They say they have discontinued it.

Mr. McCONNELL. It has been pretty well thrashed over.

Mr. HAMLIN. Yes; I think so. Does anyone wish to ask this witness any questions? If not, we are very much obliged to you.

Mr. HAMILTON. Mr. Butler, of Detroit, would like to address the committee for a moment.

Mr. HAMLIN. Give the stenographer your name, please.

STATEMENT OF MR. JEFFERSON BUTLER, PRESIDENT OF THE MICHIGAN HUMANE ASSOCIATION, OF DETROIT, MICH.

Mr. BUTLER. I was asked at one time to go down to the stock yards at Detroit and examine into the condition of the calves, and there was a movement started, and I can tell you now you are going to find it a

serious one, if you are going to oppose this legislation, that is to endeavor to get the American people to refuse to buy any veal. Now, as to what age that limit will be made will be a question that will be taken up by the humane societies all over the country. At the time I visited the stock yards at Detroit I found calves that had blatted themselves to death, four of them.

I found a newspaper man who gave me some statements and he had statistics in regard to the shipping of these young calves, and their age he gave up to 6 and 7 weeks—that is, his general statement—and that he never saw any of them eat anything at any time, and he had been reporter for the Free Press for 28 years. Now, this last winter some organization that was perfected there took up the question and went down and they found two carloads of young calves frozen to death on the Pere Marquette Railroad—the cows got through all right—and they asked the reason from experts, and they said it was simply because they were not in a fit condition. They were not old enough to stand that severe weather. I saw a shipment of young calves billed from Kalamazoo to East Buffalo. They were put in one end of a car, and they were not able to lie down; there was simply room to stand up, and when I was there it was 9 degrees above zero. We followed that shipment, as best we could, and they were over three days getting from Kalamazoo to East Buffalo. We followed another shipment, and they were six days in that kind of weather, going through in these flat cars where it was only about 12 or 13 above zero.

Now, you can not expect the American people to stand that sort of thing. When they wake up to it it simply means it is going to be taken up in more serious form. So many of the shippers say we are willing to help out in this, and when one of the newspapers, the Free Press in Detroit, wrote up the subject, and the man signed the statement, they said the statements were untrue, yet we have had men come here and say in regard to hogs and some other animals that they suffered through the shipment so that they were not fit to eat. It simply means, as I say, the newspapers will take up this question; that unless there is some reasonable regulation here you will find it a much more serious question. Now, these men denied everything and said I was dreaming, but admitted it was true in regard to young calves, in a roundabout way, that it was not a right condition, but they said the American people demand it, and we do not want it.

We have taken it up with the railroad companies and the railroad companies say they do not want to ship the calves under any consideration. So far as they are concerned they say they would prefer they be slaughtered before shipment, and we say, well, will you agree to that? Well, no; they do not want to get in any row with the shippers, but that is the general statement, as nearly as we can learn from the railroad people; they do not want to take the calves under any condition. So the humane societies are organizing, and I think they will have the railroads with them when it comes to a question of a fight, if they do come to a fight on this subject, and the only way I can see to keep the dollar brand off our American civilization and stop this kind of barbarity is to have some reasonable regulation through the Government, and of course the only way we can get it is through the National Government; we can not hope for anything through the States.

Mr. HAMLIN. What do you think about the 4 or 6 weeks limitation?

Mr. BUTLER. Of course I would say that the 6 weeks limitation would be reasonable. I am not an expert.

Mr. DRISCOLL. What do you say about the question as to whether or not a calf, if well nourished up to 4 weeks, if he is not good, wholesome food?

Mr. BUTLER. Of course, we have a mass of testimony from experts who claim that these calves, if they spend more than 12 hours in shipment, that they deteriorate in condition and value; that they are not wholesome. Of course, they disagree on that somewhat, but that is the general statement.

Mr. DRISCOLL. That would be true of a calf 6 weeks of age too, would it not?

Mr. BUTLER. Well, they say they are figuring up to 6 or 7 weeks.

Mr. DRISCOLL. It would be true of a 6-weeks-old calf, would it not, it would shrink some?

Mr. BUTLER. I suppose there would be some shrinkage.

Mr. CURTIS. There is some on a 4-year-old steer.

Mr. BUTLER. The humane society put it two months.

Mr. DRISCOLL. I suppose if the humane society had their way they would have them all slaughtered first and shipped in the meat?

Mr. BUTLER. Yes; that would be it.

Mr. DRISCOLL. Of course, that would avoid suffering.

Mr. BUTLER. But if they can have any reasonable agreement, without interfering with the business, they are willing to do it, but I think they are not going to let the dollar stand in the way. If it is nothing else, you know it is suffering to human beings to see this condition.

Mr. DRISCOLL. Do you not think these men who come from the North, most of them, do you not think they are very reasonable in their suggestions here?

Mr. BUTLER. It is apparent to me they have very rigorous laws there and they are enforced.

Mr. DRISCOLL. Are not those men representing very reasonable views as to their legislation?

Mr. HAMILTON. Suppose you specify what the views are.

Mr. DRISCOLL. He has been here, has he not? You have heard what they said, have you not?

Mr. BUTLER. Yes; I have heard what they said. But I think it may be in New York where they have Federal—

Mr. DRISCOLL (interposing). I want to ask you right here if in your judgment these men from New York, who have testified what they think ought to be embodied in this bill, are not reasonable in their suggestions and views?

Mr. BUTLER. Well, I would say that while they have talked reasonable enough, that the question of the limit of time shipment is not reasonable.

Mr. DRISCOLL. Twenty-four hours?

Mr. BUTLER. From what they have to say.

Mr. DRISCOLL. Aside from that you think their statements are reasonable, do you not?

Mr. BUTLER. Well, it may be for short shipments, and of course this bill covers that question. There is nothing in this bill providing for feeding at all during shipment. If there was—if there was some provision there providing these calves should be fed and watered—then the objection might not stand.

Mr. DRISCOLL. In view of the Federal law now for other cattle, in 28 hours and 5 hours rest and feed, is not 24 hours a reasonable provision for these calves in transit?

Mr. BUTLER. I should say not.

Mr. HAMILTON. You ought to take into consideration the inability of a calf to take nourishment.

Mr. COBB. What would be your limit?

Mr. BUTLER. Well, from the expert testimony we can get on it, we would say a 12-hour limit.

Mr. DRISCOLL. Calves never get fed over 12 hours apart at home.

Mr. BUTLER. Probably then what they are going on is only from one feeding to the other.

Mr. COBB. Did you ever run over your meals when you were traveling on a sleeper?

Mr. CURTIS. To what society do you say you belong?

Mr. BUTLER. State humane association, also Detroit Humane Society.

Mr. COBB. Are you attorney for the association?

Mr. BUTLER. No, I am secretary, just happen to be an attorney.

Mr. COBB. You are not attorney for the association?

Mr. BUTLER. Why yes, I look after their business.

Mr. CURTIS. Have you not a State law there?

Mr. BUTLER. Yes.

Mr. CURTIS. What is the State law there?

Mr. BUTLER. A 28-hour law.

Mr. CURTIS. But the age limit?

Mr. BUTLER. There is no age limit.

Mr. DRISCOLL. Can not Michigan get up a State law?

Mr. BUTLER. No, we can not.

Mr. HAMILTON. That is the very difficulty and you all know it; it is the same way with corporations; we had to pass a Federal law.

Mr. BUTLER. We find it very unfortunate. We have to come to Washington for a good many things. We have, for instance, on the bird question; we have every State along the Canadian border prohibiting spring shooting and every Canadian Province, but Michigan has spring shooting, consequently they are coming here to Washington asking for a national law.

Mr. DRISCOLL. New York does not very often apply to the Federal Government for things the State ought to do for itself.

Mr. BUTLER. I think that is so.

Mr. HAMLIN. If there is nothing further I will declare the committee adjourned until 10 30 tomorrow morning.

INTERSTATE COMMERCE COMMISSION,

Washington, January 13, 1912.

HON. W. C. ADAMSON,

Chairman Committee on Interstate and Foreign Commerce,

House of Representatives.

MY DEAR SIR: I beg to acknowledge receipt of your favor of the 10th instant, transmitting copy of House resolution 17222, "To regulate the interstate transportation of immature calves," now pending before your committee.

In response to your request for an expression of the commission's views in regard to this bill it appears to us that as the subject matter thereof is more or less in line with the so-called "meat inspection act," of 1906, you might prefer to have the views of the Department of Agriculture with respect thereto.

Yours, very truly,

C. A. PROCTY,
Chairman.

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY.

Washington, January 19, 1911

Hon. W. C. ADAMSON,

*Chairman Committee on Interstate and Foreign Commerce,**House of Representatives.*

MY DEAR SIR: By your reference I am in receipt of bill (H. R. 17222) to regulate the interstate shipment of immature calves. The practice of shipping such calves has become so general in certain northern States that the greatest cruelty imaginable results therefrom.

The shipment for slaughter of very young calves in interstate commerce has grown into a practice. The reports of department agents and of officials of State sanitary live-stock boards and of the State and national live-stock humane associations show that shippers of live stock take young calves not yet weaned, and therefore incapable of taking any other kind of nourishment than milk, separate them from their mothers, and ship them to distant points in interstate commerce. At the time of slaughter these young animals have often been separated from their mothers for three or four days or more. In some cases calves are permitted to run with their mothers until the time of shipment, and in these instances the cruelty of shipping them for long distances is extreme and results in a period of absolute starvation. The department is not prepared to say that the flesh of calves deprived of sustenance for three or four days would be unfit for human food, since the animals would necessarily perhaps be sustained by the fats that are already in the body. It would seem, however, that action by Congress in the matter would be fully justified on the score of humanity.

The president of the Massachusetts Humane Society states that the majority of young calves shipped to the stockyards of that State are fatigued and more or less exhausted, many dying on the way. The opinion of Mr. Frank Burke, of Niles, Mich., a well-informed stockman, who expresses the hope that something will be done to put a stop to the cruelty practiced in the shipment of young calves in interstate commerce, is typical of the position of a great many other shippers. Another well-informed shipper cites a not uncommon case in referring to a shipment of calves 3 weeks old from southwestern Michigan to Buffalo. These calves could take no food except from their mothers and were separated from the cows and sent on the journey, which took 48 hours or longer. They reached their destination nearly dead. The following quotation from a letter from Dr. Francis H. Rowley, president of the American Humane Education Society, to the Assistant Secretary of Agriculture, describes the cruelties incident to the shipment of very young calves:

"The difficulty is that these many thousands of young calves which have been shipped into Massachusetts in crates from New York State, where they can only be shipped to be used for dairy purposes, are shipped here to some of our most disreputable butchers and consigned to them as dairy companies. It seems to me that this shipping of them under false pretenses must be a flagrant violation of interstate regulations at least. They are brought from New York State into Massachusetts under an absolutely false pretense, shipped, for example, to the Tom Keenan Dairy Co., when Tom Keenan is as innocent of any purpose connected with them, except to slaughter them, as possible."

The following quotation from reports of inspectors of the department regarding the shipment of very young calves are also pertinent in this connection:

Under date of January 3, 1911, Dr. B. P. Wende, inspector in charge, Buffalo, N. Y., says:

"Such animals are not given any more consideration with respect to feed, water, and rest than other animals, and have often been confined in cars without feed, water, and rest from 38 to 45 hours when unloaded at these yards."

In fairness it should be said in this connection that it is claimed the calves in these cases were fed.

Dr. James S. Kelly, inspector in charge, Cleveland, Ohio, under date of April 4, 1911, writes as follows:

"On yesterday, April 3, there were several mixed shipments of live stock at the Cleveland Union Stockyards from points in Michigan. Among these shipments were a number of very young veal calves. The Cleveland city inspectors tagged out some 40 or 50 which apparently ranged in age from 8 to 14 days, and which were too young for slaughter under the city code. Not being able to slaughter these calves in Cleveland they were bunched, together with others, by Bawer & Bower, live stock commission men, for shipment to Armour & Co., Pittsburgh, Pa."

In this connection it should be stated that the establishment at Pittsburgh, to which the calves were shipped, was not under inspection by the Department of Agriculture.

Dr. George Ditewig, traveling inspector for the bureau, writes from Chicago, Ill., under date of July 18, 1908, as follows:

"The number of calves given for city use and Chicago packing is 228,000. The number of calves rejected for all causes is 1,117. How many duplications, if any, this

total contains can not be shown. Practically this whole number rejected is made up of bob calves, or inspections on bob calves. In this particular line the inspection has been active and fairly successful; successful, at least, in diverting such animals from the official to the local and non official slaughterhouses."

That large dealers in live stock are in favor of some restriction on interstate commerce in the young calves is clear from a statement made to the department in a letter from Armour & Co. under date of April 13, 1911, in which the statement is made "there is really nothing in the live-stock business to-day that is so bad for the country as to see immature calves going to slaughter." As showing that all transportation companies are not in sympathy with the practice of shipping immature calves in interstate commerce the following from a report made by a department agent is quoted:

"Having been advised by the B. & A. agent at Brighton, Mass., that Mr. H. M. Briscoe, assistant general traffic manager of the B. & A., wanted an interview with me, I called at his office and we talked over the matter of the shipments into Massachusetts of live calves from points in New York State. He advised me that the railroad did not like that kind of traffic, as it was not very remunerative, and in view of the severe criticism by the press they had made an effort to stop it, but were compelled to accept these calves under the interstate-commerce act. I advised him that considering the conditions under which the calves were shipped I thought the shipments might be refused. I stated my reasons for so thinking. He replied that the information was new to him, and that he would consult with the law department. In a few days after this interview I was advised that the New York Central & Hudson River Railroad Co. had sent to its agents at points in New York State telegraphic instructions to receive no more calves in crates or under 4 weeks of age for shipment east of Springfield, Mass., on the B. & A., or for Boston, Mass., and vicinity. They are now unable to get anything into Boston, Mass., in crates, and if they ship them loose in cars, under 4 weeks of age, they will be condemned by inspectors of the New York State department of agriculture. The reason for shipping in crates was to escape this condemnation."

Here it should be said that the carriers in question, the department is informed, have been again transporting young calves in the manner to which exception was taken.

The department is also in receipt of letter from the operating department of the New York Central lines giving assurances of the road's desire to cooperate with the department in respect to preventing cruelty to calves in interstate commerce. The State live-stock sanitary officials are also active in their endeavor to prevent cruelty in this connection, as shown by the following quotation from a letter of the commissioner of New York State:

"We have from time to time reported the shipment of immature calves into Pennsylvania and your inspector in charge at Hallstead, Dr. S. M. Page, has evidently condemned some of the shipments so made.

"Under date of April 15, Dr. Houck, inspector in charge at New York, advised us as follows:

"Our inspector at Hallstead, Pa., advises us that there were 33 head in the shipment, and out of this number he passed 24 for food and condemned 9 for immaturity."

"We also have a letter from Dr. Page under the date of April 17, referring to shipment of 42 calves from George B. May, of New Berlin, N. Y., which was reported to your inspector by this office. This letter states that of the 42 calves, 1 was dead in car, 19 passed for food, and 22 were condemned for immaturity. Under these circumstances I am wondering if any further action will be brought by your bureau against these shippers who were apparently violating interstate laws by trafficking in immature calves. From the information that we have had it would appear that these shippers will continue to forward these young animals to points outside this State unless prosecution is begun against them. The simple confiscation of the shipment or a portion of it does not seem to have any effect in stopping the business.

"I wish you would advise if your bureau contemplates bringing action, and any assistance that this department can furnish you will be cheerfully given."

The State of New York has enacted a statute prohibiting the shipment of calves under four weeks old unless accompanied by their mothers, or unless shipped in crates, and then only when the calves are intended to be raised and not slaughtered.

(Chap. 372, p. 933, Laws of New York, 129th session, May 10, 1906.) On May 26, 1911, the State Legislature of Connecticut also passed a law on the same subject. The State of Massachusetts prohibits the sale for food of the carcass of any calf under 4 weeks old.

From consideration of the whole subject it is apparent that the enactment of a statute prohibiting the shipment of immature calves in interstate commerce is needed in order to prevent the excessive cruelty which is now being practised. The department is unable to recommend prosecution unless the stock are confined in transit

beyond 28 hours without water, feed, or rest, or unless an attempt is made to slaughter immature calves at any packing establishment where Federal inspection is maintained. While both these statutes in respect to immature calves are being enforced rigidly by the department, it is clear that additional legislation is needed in order to prevent the cruelty which is still being practised.

As stated, much has been and is being done by the State live-stock sanitary boards, and by the State and national humane associations. If such a statute were passed by the Federal Government, Congress would not be very far in advance of the State legislatures, as shown by the action of Massachusetts, Connecticut, and New York. Furthermore, as it is apparent from correspondence in possession of the department, large slaughterers of the country, better informed shippers, and some of the transportation companies will be in favor of a measure of this character.

Very respectfully,

JAMES WILSON, *Secretary.*

MASSACHUSETTS SOCIETY FOR PREVENTION
OF CRUELTY TO ANIMALS,
AMERICAN HUMANE EDUCATION SOCIETY,
Boston, April 15, 1912.

MR. WILLIS J. DAVIS,
Clerk Committee on Interstate and Foreign Commerce,
Washington, D. C.

MY DEAR MR. DAVIS: Mr. Hamilton has suggested that I embody in my remarks before the Interstate and Foreign Commerce Committee an instance to which I merely referred showing that New York State by no means was able to enforce its law on all occasions, and that many of these immature calves were often boned out and the flesh sent to market.

The following are two instances which I quote from a report given me by the New York State Department of Agriculture: On March 29, 1911, 90 carcasses of calves and 5 barrels of parts of calves, head, liver, etc., were seized. This consignment was made by one George May. Also, April 8, 1911, the department seized 15 boxes and 1 barrels containing boned-out meat of immature calves. These boxes weighed 50 pounds apiece. The consignment was made by T. Morey, Middleville, N. Y.

The absolute truthfulness of the following I can not vouch for, but a friend of mine asked a large dairy man how he got rid of his newborn calves. The answer was, "Why, there is a chicken-canning factory not far from my farm." I can vouch for the statement that many small boxes have been seen by our agents carried away from places where it has been known these little calves were slaughtered. While we had no right to open the boxes, we were morally certain they contained the carcasses of these little calves boned out.

If you can insert this somewhere along about the place where Mr. Driscoll was asking me as to why New York State law was so much better enforced than Massachusetts, I shall be very much obliged.

Cordially, yours,

FRANCIS H. ROWLEY,
President

THE AMERICAN HUMANE ASSOCIATION,
Albany, N. Y., April 24, 1912.

HON. EDWARD L. HAMILTON,
Committee on Interstate and Foreign Commerce,
House of Representatives.

DEAR MR. HAMILTON: I understand that a hearing was given before the House Committee on Interstate and Foreign Commerce on April 16, 1912, in regard to the "bob-veal" bill, H. R. 17222. I am also informed that representatives of dairy farmers from New York, Indiana, and Michigan appeared against the bill.

The contentions of those appearing against the bill, it is said, were—

First. That a 6 weeks' age limit would be unreasonable and that 4 weeks would be sufficient.

Second. That the practice of shipping immature calves is a local matter and confined largely to New York State and Massachusetts, and that the conditions complained of should be cared for in each State and regulated only by local laws.

Third. That immature calves do not suffer greatly in being shipped to market and that there is a very small loss from either injury or death.

In reply to these claims, this association respectfully submits—

First. That where the 4 weeks' age limit holds large numbers of calves are shipped much under that age and anywhere from 1 to 2 weeks' old, or even younger. The

constant tendency seems to be, according to the experience of our anticruelty societies, to evade the 4 weeks' limit and send the calves to market as soon as possible, for obvious reasons.

From our experience with the 4 weeks' limit, we are convinced that a 6 weeks' limit is positively required, and would practically result in large numbers of calves being shipped at considerably under the 6 weeks' limit, making the age in actual practice much nearer 4 weeks than 6. In other words, it is desirable to have the limit at least 6 weeks in order to prevent the shipment of calves much under 4 weeks of age.

We claim that a 6 weeks' limit is not unreasonable, as the shipment of younger calves is much more likely to be injurious for human consumption, and, furthermore, that it is constantly found in practice that it is the younger calves which are apt to die during transit from starvation and weakness. We submit that this is only reasonable and self-evident.

Second. In regard to the second point, we submit that the shipment of immature calves is not a local matter, confined to any one section, but that it is an abuse which exists everywhere that dairy farming is practiced, as a natural result of the desire to sell the cows' milk as promptly as possible for the increased profit which accrues. Many States have failed to pass laws satisfactorily regulating the shipment and sale of bob veal, and if they did have such laws, they would not reach the interstate-shipment abuses. The contention that such cruelty should be controlled under State laws does not work out satisfactorily, even where the State laws are considered efficient.

For instance, under the New York agricultural law, chapter 1, section 106, entitled "Shipping, slaughtering, and selling veal for food," calves under the age of 4 weeks "can not be shipped or killed for food even when they are accompanied by their dams to the point of destination." There is, therefore, an absolute prohibition to the sale of bob veal. An energetic attempt having been made to invoke this law to prevent an interstate shipment of bob veal, the case was submitted to the attorney general of New York, whose opinion was, in part, as follows: "I find no authority in this provision of the law or elsewhere that would justify the commissioner of agriculture seizing shipments of calves destined to a point outside the State. * * * The shipment there referred to must be construed as meaning shipping for the purpose of killing within the State and can not refer to the shipping of calves without the State, as the legislature has no authority to prohibit such shipments."

If the allegation is true that this is only a local abuse, peculiar to New York and Massachusetts, why should farmers be present from Indiana and Michigan in opposition to this bill, and why should the American Humane Association receive complaints from many remote sections of the United States concerning such abuses?

Third. In regard to the allegation that the shipment of immature calves to market is not associated with any great suffering on their part, I must say that an experience of nearly 20 years in enforcing anticruelty laws, of which about 7 have been connected with the American Humane Association, goes to show that such shipments are attended with frightful cruelty. I note that the evidence brought out during the farmers' hearing in opposition to the bill showed that calves, in interstate shipments, sometimes went as long as 40 hours without food or water. Is this not sufficient evidence that young and unweaned calves should be absolutely excluded from interstate shipment for market and that the calves should be allowed to reach an age when they are stronger and have more resisting power? The constant tendency has seemed to be, on the part of shippers of veal, to try to crowd under the age limit just as far as possible without detection and punishment, although in some instances, particularly in the West, much older calves are frequently shipped.

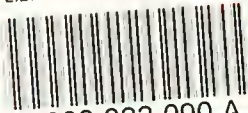
In conclusion, the American Humane Association would respectfully urge that the shipment of unweaned calves and those under 6 weeks of age must necessarily be fraught with great cruelty and suffering; that the use of the flesh of such calves for human consumption carries with it serious danger; that this abuse is found in every State where extensive dairy farming is carried on, and that it will spread with the development of the country; that in order to supply the enormous amount of veal consumed in large cities, amounting, it is claimed, to 215,000 calves per year in New York City alone, that such calves must necessarily come from long distances, and therefore be subject to interstate traffic regulation, if regulated at all; that there are no Federal laws at present which may be invoked to prevent this cruel and dangerous traffic; and that with Congress lies the power and the responsibility to relieve the condition which has become at once dangerous and intolerable.

Earnestly soliciting your support of this bill, I am,

Very truly, yours,

W. O. STILLMAN,
President.

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